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Exhibit A

DECLARATION OF PATRICIA GOMERSALL
PURSUANT TO 28 U.S.C. § 1746

I, Patricia Gomersall, hereby make the following declaration based upon my personal knowledge:

I. Background

1. I am a Senior Futures Trading Investigator in the Division of Enforcement (“Division”) at the Commodity Futures Trading Commission (the “Commission” or “CFTC”) in Washington, D.C. I have worked in this capacity for the Commission since August 1987. I graduated from the University of Colorado in May 1980 with a Bachelor of Science degree. From 1982 through July 1987, I was employed as an Associated Person with E.F. Hutton and Company in Washington, D.C.

2. My responsibilities as a Senior Futures Trading Investigator include the investigation of registered and unregistered commodity firms, alleged Ponzi schemes, commodity pools, metals dealers and individuals located throughout the United States, in order to ensure compliance with and enforcement of the Commodity Exchange Act (“CEA”) and the rules and regulations promulgated thereunder. Throughout my career with the Commission, I have routinely analyzed and reviewed thousands of financial documents, including, but not limited to, bank records, trading account documents and investor documents. I have also reviewed and analyzed hundreds of internet websites.

II. **Records Reviewed**

3. I reviewed documents and information in the preparation of this declaration from the following sources:¹

- a. Complaint filed Sept 22, 2020 and all documents attached therein, including:
 - i. Documents produced by Defendant TMTE, Inc., d/b/a Metals.com, Chase Metals, LLC, Chase Metals, Inc., (collectively “Metals”) in twenty-three separate productions, between August 2019 and August 2020, pursuant to a subpoena by the CFTC dated July 25, 2019;
 - ii. Information regarding the establishment and ownership of firms in the name of, and/or controlled by the defendants, including the databases of:
 1. The California Secretary of State Business website at <https://businesssearch.sos.ca.gov> for business entity information on TMTE, Inc. d/b/a Metals.com, Barrick Capital, Inc., and Tower Equity, LLC;
 2. The Wyoming Secretary of State business website at <https://wyobiz.wyo.gov/Business/FilingSearch.aspx> for business entity information on Metals.com, LLC, Tower Equity, LLC, and Tower Holdings, LLC; and
 3. The Delaware Division of Corporations website at <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.asp>

¹ The documents that I reviewed for the preparation of this Declaration are extremely voluminous and therefore not all are attached; most are summarized herein. All documents can be made available for review upon request. Personal identifying information on documents, such as account numbers and social-security numbers, have been redacted in accordance with Federal Rule of Civil Procedure 5.2.

for business entity information on Barrick Capital, Inc.

iii. Documents for bank and credit card accounts in the name of, and/or under the control of, the defendants, including documents from:

1. One West Bank;
2. Bank of America, NA;
3. Wells Fargo Bank, NA;
4. Opus Bank;
5. First Bank;
6. JPM Chase Bank; and
7. American Express.

b. Transcripts of:

- i. The depositions of Lucas Asher (“Asher”) on November 5, 2020 and January 29, 2021;
 - ii. The deposition of Simon Batashvili (“Batashvili”) on November 4, 2020;
 - iii. The Hearing for Contempt on December 4, 2020, and
 - iv. Phone call made by Alabama Agent 2 on May 7, 2021 to Portfolio Insider;
- c. Documents produced by the Receiver;
- d. Documents produced Nasdaq;
- e. The website Nasdaq.com;
- f. Declaration of Elizabeth Planer;
- g. Declaration of Jeramiah McWright;
- h. Declaration of Jennifer Hacker;
- i. Documents produced to the Commission by the Alabama Securities

Commission, Texas State Securities Board, California Department of Financial Protection and Innovation, Georgia Attorney General and other State regulators.

III. **Tower Trade, Retirement Insider and Portfolio Insider**

4. Portfolio Insider has used two trade names or doing business as, Tower Trade and Retirement Insider, during the course of this fraudulent scheme. These trade names are the same entity as Portfolio Insider. I discuss each below.

A. **Tower Trade**

5. Batashvili purchased the domain name towertrade.com on September 20, 2019. The address listed is 8383 Wilshire Boulevard, Suite 700, Beverly Hills, CA 90211. This domain name was purchased on December 13, 2018 by Asher, using the same address. **Planer Dec. ¶¶ 13, 17-21, 32-34.**

6. In January 2020, Asher reached out to Nasdaq, through a company called Polygon, to inquire about licensing data feeds. Asher represented that he was the “CEO” of Tower Trade in the signature block of his email. Asher used the email address Asher@TowerTrade.com. The address in his signature block was 8383 Wilshire Blvd #700, Beverly Hills, CA 90211. *See Attachment A; DeSimone Dec. ¶11*

7. Asher and Tower Trade did not finalize any licensing agreements with Nasdaq. A Nasdaq Representative contacted Asher in April 2020 to see if they were still interested, and Asher replied they were not. **DeSimone Dec ¶12; See Attachment B.** According to DeSimone, no business arrangements occurred at this time. **DeSimone Dec ¶11.**

8. Documents obtained by the Receiver show that on April 27, 2020, Intrinio invoiced Batashvili at simon@towerequity.com for \$123,600. *See Attachment Q.*

9. A few months later, Asher signed a “Tower Trade Co., LTD Proposal” with Intrinio on behalf of Tower Trade on July 13, 2020. The proposal was to lock in a price for Closed End Fund data, and to generate a contract with Intrinio at the locked in price. *See Attachment C.*

B. Retirement Insider

10. Defendants purchased the domain name retirementinsider.com on September 21, 2018 and renewed on April 28, 2020. The GoDaddy billing documents lists Batashvili, with the address 8383 Wilshire Blvd, Suite 412, Beverly Hills, CA 90211. (Planer Decl., ¶¶13-16, 30).

11. Asher and Batashvili transitioned the name of the entity to Retirement Insider. Beginning in February 2020, Retirement Insider hired numerous employees. Among those persons hired by Retirement Insider were Konstantin Yurchenko (“Yurchenko”) and Jennifer Hacker (“Hacker”). The letters offering these individuals employment were written on Retirement Insider letterhead, with the address 8383 Wilshire Blvd, Suite 700, Beverly Hills,

CA. *See Attachment D and L.*

12. As discussed in my previous declaration, attached to the Complaint filed Sept 22, 2020, a Bank of America account *7454 in the name Tower Equity, LLC was opened in November 2018. Batashvili is listed as the manager of the company. As bank records show, this account was funded by Metals.com and Barrick Capital customers, in addition to direct customer deposits by Metals investors.

13. Previous to September 22, 2020, Asher and Batashvili used Trinet HR III, Inc, (“Trinet”) a human resources and payroll accounting firm, for their companies Chase Metals, Inc., Revo, First American Estate and Trust and Tower Equity, LLC. Bank records show that

Asher and Batashvili also used Trinet for Retirement Insider human resource and payroll accounting purposes.

14. On March 17, 2020, \$13,637.88 was wired from the Tower Equity account*7454 to Trinet for Retirement Insider, and on March 24, 2020, \$27,014.47 was wired from the same account, also to Trinet for Retirement Insider. *See Attachment E.* These bank records also show that between March 20, 2020 and March 26, 2020, \$2,200,000 was wired from this account to the newly opened Wells Fargo account in the name of Tower Equity LLC *4517.

15. As discussed in my previous declaration, Wells Fargo account *4517, another account in the name Tower Equity, LLC was opened in late March 2020. Batashvili was the sole signatory on this account.

16. Between April 20, 2020 and June 30, 2020,² six wires totaling \$135,506.26 were wired to Trinet from the Tower Equity account*4517 for Retirement Insider. *See Attachment F.*

17. In total, between March and June 2020, \$176,158.41 in customer funds from Tower Equity were used for payroll for Retirement Insider. *Id.*

18. On February 12, 2020, Asher signed an agreement with a company called Zachs Investment Research (“Zachs”) to license data files for “equity research, analysis, data and information” including earnings estimates, growth rates and ETF Holdings (“Exchange Traded Funds”). Asher signed this contract as the Managing Member of Retirement Insider. *See Attachment G.*

19. On February 20, 2020, Asher signed an Addendum to the Standard Data License Agreement with Zachs to license the data feed for Zachs Universe of North American Equities. Zachs’ “NYSE and AMEX data is at least 20 minutes delayed and its NASDAQ data is at least

² The Commission’s records for Wells Fargo account *4517 end with the June 2020 statement.

15 minutes delayed.” https://www.zacks.com/stocks/equity-research?icid=zacks.com-zacks.com-nav_tracking-zcom-main_menu_wrapper-equity_research Thus, it is not real-time data feeds.

See Attachment H.

20. Asher signed Zacks contract as the CEO of Retirement Insider, LLC. *Id.*
21. On April 25, 2020, Intrinio invoiced Batashvili for \$10,300 for Zachs data feeds.

Asher, as the CEO of Tower Trade, emailed Intrinio on May 5, 2020 asking for additional bank information, copying Batashvili on the email. On May 5, 2020, Intrinio sent a new invoice to Batashvili for \$10,300. ***See Attachment Q.***

22. On May 22, 2020, Asher signed another Addendum to the Standard Data License Agreement with Zachs for additional features to the data feed for Zachs Universe of North American Equities. This data is delayed as described in Paragraph 17. Asher signed this contract as the CEO of Retirement Insider, LLC. ***See Attachment I.***

23. On August 22, 2020 Intrinio invoiced Lucas Asher, Retirement Insider.com for Zachs data feeds. ***See Attachment Q.***

24. Asher was still using the email address Asher@towertrade.com when he signed a Contract Agreement with Intrinio, now on behalf of Retirement Insider, on September 2, 2020. The contract was for “data feeds or applications” for Intrinio data related to ETFs. ***See Attachment J.***

25. The Intrinio and QUODD contractual relationship with Retirement Insider and Portfolio Insider was memorialized in three contracts executed with Intrinio. **Grochmal Dec., ¶¶ 10-11:**

- a. September 2, 2020 executed contract between Intrinio, QUODD, and Retirement Insider. The September 2, 2020 contract was signed by Asher on behalf of Retirement Insider.
- b. November 11, 2020 executed contract between Intrinio, QUODD, and Portfolio Insider. The November 11, 2020 contract was signed by Asher on behalf of Portfolio Insider.
- c. January 8, 2021 executed contracts between Intrinio, QUODD, and Portfolio Insider. The January 8, 2021 contract was signed by Asher on behalf of Portfolio Insider.

26. Asher used the email address corporate@portfolioinsider.com which is the same email that he uses to communicate with Nasdaq and QUODD. **DeSimone Dec., ¶6; Grochmal Dec., ¶6.**

27. In fact, Asher is using the corporate@portfolioinsider.com email address as of this writing.

28. Intrinio used the contract number 7857 to bill Retirement Insider for licensing data in July 2020, and continued to bill Retirement Insider through October 2020. Then, in November 2020, the Intrinio seamlessly changed the name on the contract Portfolio Insider and kept the same contract number 7857. This is memorialized in an excel spreadsheet produced by Intrinio to the Receiver and shared with me. **See Attachment K.**

29. On June 16, 2020, Jennifer Hacker (“Hacker”) was hired by Retirement Insider. **See Attachment D.** Hacker stated, in a sworn statement obtained by the Receiver Kelly Crawford, that she was employed by First American Estate and Trust (a company owned by Batashvili and his brother) but that she was actually the Marketing Director for Retirement

Insider. **Hacker Dec., ¶2.**

30. Hacker stated that: “Portfolio Insider was also Retirement Insider. Retirement Insider existed in beta when I started, but we were in the process of rebranding to Portfolio Insider. The name Portfolio Insider sounded less restrictive for investors not actively planning for retirement. *Id.*

C. Portfolio Insider

31. Batashvili and Asher purchased the domain name portfolioinsider.com from GoDaddy on July 18, 2020. Both Asher and Batashvili are listed on the GoDaddy records with the same address: 8383 Wilshire Boulevard, Beverly Hills, CA 90211. **Planer Dec., ¶¶ 10-16.**

32. Portfolio Insider also uses the address: 9465 Wilshire Blvd, Beverly Hills, CA 90212.

33. From at least January 4, 2020 through April 1, 2020, Metals.com used the address 9465 Wilshire Blvd, Beverly Hills, CA 90212 on over 300 invoices to customers who purchased coins directly from Metals.com. Thus, Portfolio Insider and Metals used the same address. *See e.g. Attachment M.*

34. The transition from Retirement Insider to Portfolio Insider began no later than July, 2020. Intrinio, a data services company located in Florida, contacted Gary Grochmal (“Grochmal”) the Vice President of Customer Success of QUODD Financial Services (“QUODD”) in early September 2020 on behalf of Asher and Retirement Insider. Grochmal is the primary point of contact for all communications with Asher and manages the relationship between Asher and QUODD. **Grochmal Dec., ¶¶ 1, 4, 7.**

35. On or about September 9-10, Asher told Grochmal that he was “looking for financial market data feeds because his company, Retirement Insider, was building a

customizable financial platform to advise retail investors on stock and options trading.”

(Grochmal Dec., ¶ 8). Grochmal went on to explain “Shortly after my discussions with Retirement Insider began...Asher and Intrinio advised me that the name of the firm had changed to Portfolio Insider. I was told that Retirement Insider was the same entity as Portfolio Insider, but was now using a different trade name.” *Id.*

36. On September 25, 2020, Intrinio Representative Megan Dias (“Dias”) contacted Nasdaq by email and said: “I’m reaching out on behalf of Retirement Insider LLC. My client is looking to obtain a display license for the Nasdaq Indexes that you provide.” Asher and Retirement Insider employee Yurchenko are cc’d on the email, as well as Grochmal from QUODD and Andrew Carpenter (“Carpenter”) from Intrinio. Mr. Yurchenko uses Konstantin@retirementinsider.com and Asher uses asher@towertrade.com in this correspondence. *See Attachment N.*

37. In an email dated September 29, 2020 Brandis DeSimone (“DeSimone”) from Nasdaq asked Dias “do you mind looping in the client from Retirement Insider...” *Id.* Later that same day, Carpenter sent an email to DeSimone stating: “This is the client, Portfolio Insider: <https://portfolioinsider.com>”. *Id.*

38. When Commission staff asked Grochmal about this name change, he stated: “Shortly after my discussions with Retirement Insider began, in September 2020, Asher and Intrinio advised me that the name of the firm had changed to Portfolio Insider. I was told that Retirement Insider was the same entity as Portfolio Insider, but was now using a different trade name. This is a common phenomenon with younger tech firms who use various trade names as they evolve and grow.” **Grochmal Sec., ¶ 9.**

39. DeSimone stated in her sworn declaration: “On September 29, 2020, I was

informed by Intrinio that the name of Asher's company was changed from Retirement Insider to Portfolio Insider. From my perspective, there was no difference between Retirement Insider and Portfolio Insider." **DeSimone Dec., ¶ 16.**

40. From this point on, Asher conducted business as Retirement Portfolio, and used the email address corporate@portfolioinsider.com. **DeSimone Dec., ¶6; Grochmal Dec., ¶6.** In many emails that I reviewed, Asher and Portfolio Insider employees used the tagline "an investment bank in your pocket."

41. DeSimone stated that she "dealt directly with Lucas Asher...throughout his relationship with Nasdaq. I am the primary point of contact for all communications and managing the relationship between Portfolio Insider and Asher and various parts of Nasdaq. Asher is my and Nasdaq's primary point of contact with Portfolio Insider. Asher represented to me that he was in charge and controlled the operations of Portfolio Insider." **DeSimone Dec., ¶¶ 3-4.**

42. DeSimone stated: "Asher and I communicated via email, phone calls and video calls. Because of the frequency of our communications, I am familiar with his appearance and voice. I am able to identify him." **DeSimone Dec., ¶ 5.**

43. Grochmal stated in his sworn declaration that "I have dealt directly with Lucas Asher ("Asher") in connection with the providing of data services by QUODD to Asher's company Portfolio Insider. I am the primary point of contact for all communications and managing the relationship between Portfolio Insider and Asher and QUODD." **Grochmal Dec., ¶ 5.**

44. Grochmal continued "Mr. Asher represented to me that he was in charge and controlled the operations of Portfolio Insider. During my interactions with Asher and Andrew

Carpenter and Yates Sayers of Intrinio, another data services company, it was represented to me that Asher was/is the Chief Executive Officer of Retirement Insider and Portfolio Insider.”

Grochmal Dec., ¶ 6.

45. On October 22, 2021, Carpenter from Intrinio emailed DeSimone, copying other persons at QUODD and Intrinio, to inform them “I just got the confirmation from Lucas, CEO at Portfolio Insider, they want to start integrating the MFQS and GIDs, 15-min delay, immediately. Can you get them access today and tomorrow so that their dev team can begin work Monday?”

See Attachment O.

46. In an email dated December 14, 2020 from DeSimone to Yates Sayers (“Sayers”) and Carpenter of Intrinio, DeSimone discussed that it was the responsibility of Asher and Portfolio Insider to report at the end of every month how many real-time data users Portfolio Insider has. *See ATT P.*

IV. Cryptocurrency Fraud

47. I reviewed numerous undercovers calls between Portfolio Insider representatives sales calls with victims. Based on those reviews and my review of documents sent to victims and videos of the demonstrations that they showed victims, I can testify that:

48. Asher, Batashvili, and Portfolio Insider pitched victims on their expertise with Bitcoin and other virtual currencies and claimed that their platform allows one to track and capitalize on price movements in Bitcoin.

49. They demonstrated and discussed a Bitcoin tab on the platform where Portfolio Insider claims to track active trades of Bitcoin in real-time, including with real-time charts. Sales representatives claimed that the Bitcoin tab of the platform is being improved, and they are adding real time blockchain analytics that will advise when to buy and sell as well as provide

customers with exit strategies.

50. They advised victims to buy spot Bitcoin or Ethereum because they are great investments that will continue to go up for the rest of the year.

51. Since April 30, 2021, Nasdaq allowed Portfolio Insider, among others, to contribute articles to be posted on Nasdaq.com. **DeSimone Dec., ¶¶ 34-35.** I reviewed have reviewed the Nasdaq.com “contributor” webpage for Portfolio Insider. <https://www.nasdaq.com/authors/portfolio-insider>. This is location on Nasdaq’s website where all of Portfolio Insider’s articles are posted.

52. Asher personally proposed topics and submitted articles on a number of topics; the vast majority of the articles related to Bitcoin and other virtual currencies. ***Id.*** In fact, on September 15, 2021, I reviewed this Nasdaq website and found that Portfolio Insider has posted a total of 85 articles. 78 of these articles are about virtual currencies, sometimes referred to as cryptocurrencies.

53. Over the course of this investigation, I instructed the CFTC’s Digital Forensics team—on multiple occasions—capture and save the <https://www.nasdaq.com/authors/portfolio-insider> and the contents therein. The most recent capture occurred on September 15, 2021.

54. These articles were a crucial part of Portfolio Insider’s Bitcoin sales pitches to victims. Portfolio Insider representatives invited potential customers to access the Nasdaq website and view these articles as proof of Portfolio Insider’s *bona fides* in virtual currency and to induce victims to purchase the Portfolio Insider platform.

55. In addition to touting these articles, Portfolio Insider would falsely claim that they were providing virtual currency and blockchain technical advice and support to Nasdaq, rather than simply submit articles.

56. In fact, Nasdaq doesn't get technical information or advice on blockchain technology or virtual currencies from Portfolio Insider. Portfolio Insider does not contribute any information from a data perspective to Nasdaq. **DeSimone Dec., ¶ 30.**

57. These misrepresentations about Portfolio Insider's relationship with and contributions to Nasdaq were an integral aspect of Portfolio Insider's sales pitch to recruit victims to their commodities and securities fraud by falsely claiming to be experts in virtual currencies, a burgeoning financial product.

V. Common Employees

58. Pursuant to a subpoena from the Commission on July 25, 2019, Metals³ produced a list of their employees. Those records identify the following employees of Metals: Asher, Batashvili, Walter Vera, Deric Ned, Kyle Sanna, and Dan Halimi, were all employed by Metals for several years prior to their employment with Portfolio Insider. The chart below shows their titles and Original Hiring Date as listed by Metals:

Employee Name	Business Title	Original Hire Date
Batashvili, Simon	Trusted Advisor	12/08/2017
Asher, Lucas	CMO	01/01/2018
Halimi, Daniel Isaac	Sales Associate	08/08/2018
Ned, Deric Scott	VP of Sales	08/08/2018
Sanna, Kyle Douglas	Sales Associate	08/08/2018
Vera, Walter Eduardo	VP of Sales	08/09/2018

VI. Commingling of Funds between Metals and Retirement Insider and Portfolio Insider

³ Defendants TMTE, Inc., *d/b/a* Metals.com, Chase Metals, LLC, Chase Metals, Inc., and Relief Defendant Tower Equity, LLC. ("Tower") are collectively referred to as "Metals."

59. The evidence in the record shows that substantial commingling of funds occurred between accounts funded with investor deposits and numerous entities owned or controlled by Asher and Batashvili, including (but not limited to): Metals, Barrick Capital, Tower Equity LLC, Tower Holdings LLC, Tower Holdings, Inc., Tower Estates LLC, Administrative Account Services LLC, First American Estate and Trust LLC and Best New, Inc.

60. The evidence in the record shows that these assets were transferred, dissipated, or diverted by the Defendants without regard for corporate formalities or distinctions.

61. Based on my analysis of the records, this comingling of assets was an integral part of Defendant's overall scheme.

62. Asher and Batashvili controlled a myriad of additional entities ("Affiliated Entities") whose identity and assets were uncovered by the Receiver, and are part of the Receivership Estate. *See Third Report of the Receiver, Section F, p. 10 and D.E. #226.*

63. Retirement Insider is an Affiliated Entity. On March 22, 2021, the Court held: "[a]ccordingly, the court finds that the following Affiliated Entities were owned or controlled by one or more of the Defendants and/or Relief Defendant on September 22, 2020 . . ." D.E. #230. The Court ordered "It is, therefore, hereby ordered, that the following Affiliated Entities are included within the definition of "Receivership Defendants" for purposes of identifying the "Receivership Estate" and are subject to the SRO, [Consent Order], and the [Entities Consent Order]. . ." *Id.*

64. As discussed in Paragraphs 10 through 17, above, financial tracing shows Retirement Insider received \$176,158 of victim funds to cover the payroll obligations of Retirement Insider.

65. Financial tracing shows that commingled Metals funds were used to purchase the

Retirement Insider and Portfolio Insider domain names **Planer Dec. ¶¶16-18, 23-32.** As described in my previously declaration, funds from bank accounts in the names of chase Metals, Barrick Capital and Tower Equity were used to pay the credit cards used by Asher and Batashvili for the purchase of the domain names towertrade.com, retirementinsider.com, and portfolioinsider.com.

66. Financial tracing shows that Receivership funds were used to pay at least \$28,923 of Intrinio's fees. **Crawford Dec. ¶8, Exhibit F.**

VII. Batashvili Uses the Alias Sam Simon

67. On September 2, 2021, John Block ("Block"), Chief Investigator for the Colorado Department of Regulatory Agencies, Division of Securities contacted me regarding an undercover call Colorado made to Portfolio Insider. Block informed me that the Colorado agent spoke to a person identified as Sam Simon.

68. I believe that Sam Simon is actually Batashvili, because Block sent me an audio recording of their call and demonstration. I listened to the voice of Sam Simon in this audio, and compared it to a known sample of Batashvili's voice from Batashvili's video deposition taken on November 4, 2020. It is my opinion that the voice of Sam Simon matches that of Batashvili.

VIII. Portfolio and Metals Used the Modus Operandi

69. Metals ran a sales floor that used so-called "openers," as the initial salespeople who solicit investors/customers to buy precious metals. If investors/customers are interested, they are transferred to a "closer" to finalize the sale.

70. Based on my extensive interviews with a former employee and review of the

undercover calls between Portfolio Insider's sales and State agents, Portfolio used the openers and closers in the same manner as Metals. This is same *modus operandi* of a boiler-room for both Metals and Portfolio Insider.

71. The tag line 'democratize access to the world's most valuable financial data to bring transparency to capital markets' is used in numerous spots on internet and in marketing materials. In fact, it is used on the Nasdaq.com website cited above and on businesswire.com.

See Exhibit R.

72. This fraudulent enterprise began prior to the commencement of the civil enforcement action and remains ongoing even in the face of the Court's Orders.

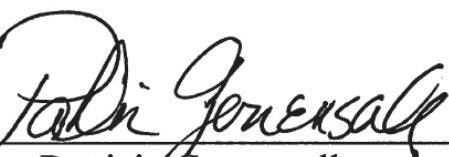
73. While actively defrauding elderly victims out of their lifesavings through Metals, Asher and Batashvili expanded their fraudulent enterprise into what became Portfolio Insider.

74. Even as the Court shut down the precious metals fraud, Asher and Simon moved their resources, transitioned their personnel, and redoubled their efforts to continue their common scheme.

75. These deliberate and repeated violations of the Court's Orders are still occurring as of the time of this filing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 16, 2021, in Washington, DC.



Patricia Gomersall

Attachment A

From: Jessica Savage
To: Michael Taylor
Subject: FW: TowerTrade.com Data Feed Request for Nasdaq Canada Data via Polygon.io, LLC
Date: Tuesday, January 7, 2020 12:48:45 PM
Attachments: [image001.png](#)
[image002.png](#)
Importance: High

Hi Michael,

Happy New Year! I hope you are well. We received a request from a company that has never bought any Nasdaq data before, and is interested in receiving Nasdaq Canada. Can you please assist with the onboarding process and making sure they are aware of the products and fees? While the request he submitted was valid, even with all the documentation in place we are unable to approve the request as it is since the vendor selected does not distribute the products selected, or any Nasdaq Canada Data.

Contact: Lucas Asher (asher@towertrade.com)

Please let me know if you have any questions.

Best,
Jessica Savage
Market Data Services
Direct: +1 301 978 4657



From: Lucas Asher <asher@towertrade.com>
Sent: Tuesday, January 7, 2020 12:39 PM
To: Jessica Savage <Jessica.Savage@nasdaq.com>
Cc: Tyler Munyon <TMunyon@towertrade.com>; Reed Kilpatrick <rkilpatrick@towertrade.com>
Subject: Re: TowerTrade.com Data Feed Request for Nasdaq Canada Data via Polygon.io, LLC

WARNING - External email; exercise caution.

Hi Jessica,

This is a valid request.

Thank you,

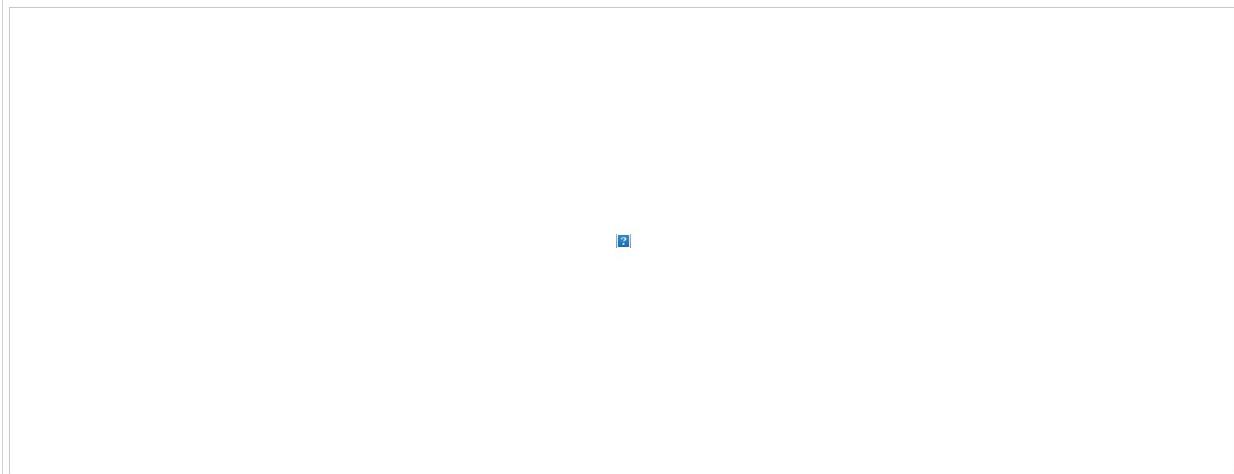
On Mon, Jan 6, 2020 at 11:58 AM Jessica Savage <Jessica.Savage@nasdaq.com> wrote:

Hi Lucas,

Thank you for your request below for Nasdaq Canada Data. Could you please confirm if this request is valid or not? It does not appear that TowerTrade.com is an existing customer for Nasdaq. If you wish to proceed with receiving this data, your firm will need to submit an executed Nasdaq Canada Data Agreement, a Nasdaq Non-Display Declaration, and a System Application.

Additionally, although Polygon.io, LLC is listed as the vendor in the request, they are not a provider for Nasdaq Canada Data, so we are unable to issue approval of the request as is. If you do wish to receive the data below, it will need to be via a vendor that distributes Nasdaq Canada Data. Additionally, any request for TMX IP Data Products (CLS and CLSV) will have to be placed directly through TMX first before Nasdaq will issue approval for those products. Please note, there are only a handful of vendors that distribute TMX IP data. Please also note, we are only able to issue approval for this data once all of the paperwork is completed.

If this request is not valid, please let us know so we can remove the request. If you wish to receive this data, please let me know and I will refer you to one of our Sales Reps that can assist with the onboarding process.



Feel free to reach out if you have any questions.

Best,
Jessica Savage
Market Data Services
Direct: +1 301 978 4657



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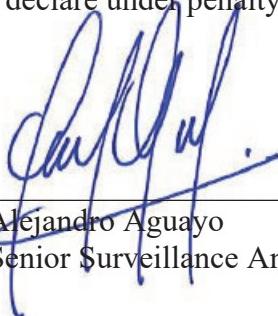
Nasdaq.com

**DECLARATION OF CUSTODIAN OF RECORDS
OF NASDAQ
PURSUANT TO 28 U.S.C. § 1746**

I, Alejandro Aguayo, hereby make the following Declaration based upon my personal knowledge:

1. I am a Senior Surveillance Analyst at Nasdaq, and as such, my responsibilities include the retrieval of Nasdaq's corporate records for use in legal and regulatory proceedings. I have authority to certify such records.
2. I am submitting this declaration for use in *Commodity Futures Trading Commission et al v. TMTE Inc et al.*, No. 3:20-cv-02910, in the United States District Court for the Northern District of Texas and for other regulatory or enforcement purposes.
3. Pursuant to an access grant with the U.S. Commodity Futures Trading Commission, the following records were voluntarily produced. They are:
 - a. Portfolio Insider_00061 - Portfolio Insider_00437
 - b. Portfolio Insider_00438_000001 - Portfolio Insider_00438_000945
 - c. Portfolio Insider_00439_000001 - Portfolio Insider_00439_002207
 - d. Portfolio Insider_00440_000001 - Portfolio Insider_00440_002647
 - e. Portfolio Insider_00441_000001 - Portfolio Insider_00441_159516
 - f. Portfolio Insider_00442_000001 - Portfolio Insider_00442_086273
 - g. Portfolio Insider_00443_000001 - Portfolio Insider_00443_001680
 - h. Portfolio Insider_00444_000001 - Portfolio Insider_00444_006084
 - i. Portfolio Insider_00445_000001 - Portfolio Insider_00445_003198
 - j. Portfolio Insider_00446_000001 - Portfolio Insider_00446_000121
 - k. Metals-Nasdaq-0000000001 - Metals-Nasdaq-00000000022
4. The copies of the above listed documents that were produced between July 13, 2021, and August 28, 2021, constitute business records of Nasdaq that are made and kept in the regular course of the Nasdaq's business. I am familiar with these documents and the records procedures of Nasdaq. These documents were made and kept in accordance with Nasdaq's procedures for maintaining its records and were made by personnel of Nasdaq, with knowledge, at or near the time of the act, condition, or event to which they pertain and were kept in the course of regularly conducted business activities and were made by the regularly conducted activity as a regular practice.
5. I have reviewed the attached records and they are true and accurate copies of the records made and maintained by Nasdaq and produced in response to the above-referenced access grant.

I declare under penalty of perjury that the foregoing is true and correct.



Alejandro Aguayo
Senior Surveillance Analyst

Executed on: September 14, 2021

Attachment B

From: [Stephen R. Calanni](#)
To: [Lucas Asher](#)
Subject: RE: Nasdaq Data Follow Up
Date: Wednesday, April 8, 2020 8:53:08 AM
Attachments: [~WRD000.jpg](#)
[image001.png](#)

Hi Lucas,

Sounds good – I will have the data feed request voided.

Best,

Stephen Calanni
Director – Global Information Services



Direct: +1 312 601 9522
Cell: +1 312 590 8910
1 N. Wacker Drive, Suite 3600, Chicago IL

From: Lucas Asher <aasher@towertrade.com>
Sent: Tuesday, April 7, 2020 7:25 PM
To: Stephen R. Calanni <Stephen.Calanni@nasdaq.com>
Subject: Re: Nasdaq Data Follow Up

WARNING - External email; exercise caution.

Hi Stephen, I don't believe so. Thank you

On Mon, Apr 6, 2020 at 6:08 AM Stephen R. Calanni <Stephen.Calanni@nasdaq.com> wrote:

Hi Guys,

I hope all is well. I wanted to reach out to see if you still are looking to add this data via Polygon?

Best,

Stephen Calanni
Director – Global Information Services



Direct: +1 312 601 9522
Cell: +1 312 590 8910
1 N. Wacker Drive, Suite 3600, Chicago IL

From: Stephen R. Calanni
Sent: Wednesday, February 12, 2020 9:45 AM

To: 'asher@towertrade.com' <asher@towertrade.com>; 'tmunyon@towertrade.com' <tmunyon@towertrade.com>
Subject: Nasdaq Data Follow Up

Lucas, Tyler,

I hope this finds you well. I believe my colleague Brandis had previously reached out.

Nasdaq received an order form on behalf of TowerTrade to access certain Nasdaq data products.

In speaking with Brandis it sounded like this was sent in by the provider listed – Polygon.io.

Do you have some time this week to quickly touch base? If you have any data needs, the path of least resistance to accessing that info would be using Nasdaq's direct API.

Best,

Stephen Calanni

Director – Global Information Services



Direct: +1 312 601 9522

Cell: +1 312 590 8910

1 N. Wacker Drive, Suite 3600, Chicago IL

CONFIDENTIALITY AND PRIVACY NOTICE: This e-mail and any attachments are for the exclusive and confidential use of the intended recipient and may constitute non-public information. Personal data in this email is governed by our Privacy Policy at <https://www.nasdaq.com/privacy-statement> unless explicitly excluded from it; please see the section in the policy entitled "Situations Where This Privacy Policy Does Not Apply" for circumstances where different privacy terms govern emailed personal data. If you received this e-mail in error, disclosing, copying, distributing or taking any action in reliance of this e-mail is strictly prohibited and may be unlawful. Instead, please notify us immediately by return e-mail and promptly delete this message and its attachments from your computer system. We do not waive any work product or other applicable legal privilege(s) by the transmission of this message.

--
Lucas Asher

CEO

M: 310-866-6213

A: 8383 Wilshire Blvd #700

Beverly Hills, CA 90211

W: TowerTrade.com

E: Asher@TowerTrade.com



Telegram: <https://t.me/iameons>

CONFIDENTIAL COMMUNICATION This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail and any file attachments is strictly prohibited. If you have received this e-mail in error, please immediately notify us by reply e-mail to the sender. You must destroy the original transmission and its contents. You will be reimbursed for reasonable costs incurred in notifying us. Information contained within this e-mail should not be construed as legal, accounting, tax or investment advice.

Attachment C



DATA INTELLIGENCE, ON DEMAND

Tower Trade Co LTD Proposal

Prepared for:

Lucas Asher
Tower Trade Co LTD
E asher@towertrade.com

Prepared by:

Steele Barcomb
Intrinio
600 1st Ave N, Suite 203
St Petersburg, FL 33701
[REDACTED]@intrinio.com



Tower Trade Co LTD PROPOSAL

Lucas,

This proposal is an outlined, customized solution based on your specific data requirements and use case. This document has been created specifically for you and can be modified to better fit your needs upon request. If any changes are requested, or if you have any questions at all, please add comments to the right side of this portal which I will be alerted to and review as soon as possible.

This proposal agreement **price is valid for 30 days as of Jul 13, 2020.**

Please review part one of this document, titled "PRICING OVERVIEW", to ensure that we have everything in order.

If everything looks good with product fit, please initial at the very bottom of this document. At that time, I will generate a contract with final prices to reflect any discounts and include official terms and conditions.

Sincerely,

--

Steele Barcomb

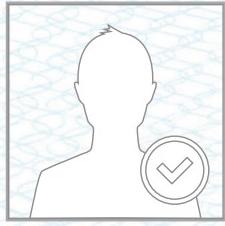
Intrinio

[REDACTED] @intrinio.com

Signature Certificate

Document Ref.: FEQHC-YLF9M-BRWMN-GQAYU

Document signed by:



Lucas Asher

Verified E-mail:
asher@towertrade.com

IP: 98.153.204.146

Date: 31 Jul 2020 17:51:16 UTC



Document completed by all parties on:

31 Jul 2020 17:51:16 UTC

Page 1 of 1



Signed with PandaDoc.com

PandaDoc is the document platform that boosts your company's revenue by accelerating the way it transacts.



Attachment D



RETIREMENT INSIDER

Dear Mr. Yurchenko,

Listed below are the details of your employment offer, as well as the compensation structure for your role here at Retirement Insider. Your position with Retirement Insider will be “at will” and this offer is subject to your satisfactory passage of Retirement Insider additional requirements, which may include the completion of a job application, provision of identity-confirming documentation of work status, background checks, and/or reference checks.

Compensation: \$130,000 Annually, with eligibility for performance review after 90 days

Benefits: You will be eligible for health benefits after 30 days of employment
You will be allowed 10 days of paid time off per calendar year

Please let us know if you have any questions!

Sincerely,

The Retirement Insider Team

With the signature below, I accept the material terms and conditions above.

Yurchenko

3/4/2020

Konstantin Yurchenko

Date

Attachment E



P.O. Box 15284
Wilmington, DE 19850

Customer service information

- Customer service: 1.888.400.9009
- bankofamerica.com
- Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

TOWER EQUITY, LLC
321 DALEHURST AVE
LOS ANGELES, CA 90024-2511

Please see the **Important Messages - Please Read** section of your statement for important details that could impact you.

Your Full Analysis Business Checking - Small Business

for March 1, 2020 to March 31, 2020

Account number: [REDACTED] 7454

TOWER EQUITY, LLC

Account summary

Beginning balance on March 1, 2020	\$2,279,448.88	# of deposits/credits: 11
Deposits and other credits	1,226,492.29	# of withdrawals/debits: 63
Withdrawals and other debits	-3,100,245.50	# of days in cycle: 31
Checks	-153,781.01	Average ledger balance: \$1,799,316.98
Service fees	-0.00	
Ending balance on March 31, 2020	\$251,914.66	



TOWER EQUITY, LLC | Account # [REDACTED] 7454 | March 1, 2020 to March 31, 2020

Deposits and other credits

Date	Transaction description	Customer reference	Bank reference	Amount
03/03/20	ACCOUNT TRANSFER TRSF FROM [REDACTED] 6672 2033095720		906803030006346	250,000.00
03/11/20	Counter Credit		813005352792136	700.00
03/12/20	WIRE TYPE:WIRE IN DATE: 200312 TIME:0908 ET TRN [REDACTED] ORIG:MORTGAGE LENDER'S SERVICE ID:9500201182 SND BK:WILMINGTON SAVINGS FUND SOCIE ID [REDACTED] PMT DET:SELLERS PROCEEDS, TOWER EQUITY LLC,5645 EL		903703120341851	91,142.63
03/13/20	Counter Credit		813002652844880	8,910.00
03/16/20	ACCOUNT TRANSFER TRSF FROM [REDACTED] 6672 2035551904		906803160006591	100,000.00
03/20/20	Counter Credit		813003452150772	4,850.00
03/24/20	ACCOUNT TRANSFER TRSF FROM [REDACTED] 6672 2030711922		906803240006645	500,000.00
03/31/20	Counter Credit		813004152453817	160,889.66
03/31/20	ACCOUNT TRANSFER TRSF FROM [REDACTED] 6672 2034432714		906803310010274	60,000.00
03/31/20	ACCOUNT TRANSFER TRSF FROM [REDACTED] 6672 2035448690		906803310010273	40,000.00
03/31/20	ACCOUNT TRANSFER TRSF FROM [REDACTED] 6672 2030829080		906803310010272	10,000.00
Total deposits and other credits				\$1,226,492.29

Withdrawals and other debits - continued

Date	Transaction description	Customer reference	Bank reference	Amount
03/13/20	CAPITAL ONE DES:MOBILE PMT ID: [REDACTED] 6 INDN:BATASHVILISIMON CO ID:9279744980 CCD		902573003975741	-3,426.45
03/16/20	ACCOUNT TRANSFER TRSF TO [REDACTED] 4024	2034732808	906803160006592	-75,000.00
03/16/20	AMERICAN EXPRESS DES:ACH PMT ID:W0234 INDN:Tower Equity LLC CO ID:1133133497 CCD		902576015408000	-7,216.09
03/17/20	ACCOUNT TRANSFER TRSF TO [REDACTED] 4024	2034850251	906803170006580	-80,000.00
03/17/20	CAPITAL ONE DES:MOBILE PMT ID: [REDACTED] INDN:BATASHVILISIMON CO ID:9279744980 CCD		902576026054667	-4,325.76
03/19/20	WIRE TYPE:WIRE OUT DATE:200319 TIME:1208 ET TRN: [REDACTED] SERVICE REF:008681 BNF:TRINET HR III, INC. ID: [REDACTED] BNF BK:KEY BANK NATIONAL ASSOCI ID: [REDACTED] PMT DET:203JB072 OFP90490payroll Retirement Insider LLC		903703190445394	-13,637.88
03/19/20	AMERICAN EXPRESS DES:ACH PMT ID:W9234 INDN:Tower Equity LLC CO ID: [REDACTED] CCD		902579005383284	-24,168.85
03/19/20	AMERICAN EXPRESS DES:ACH PMT ID:W6778 INDN:Tower Equity LLC CO ID: [REDACTED] CCD		902579005383331	-12,032.13
03/20/20	WIRE TYPE:WIRE OUT DATE:200320 TIME:1634 ET TRN:2020032000568704 SERVICE REF:015561 BNF:RC CONSTRUCTION ID: [REDACTED] BNF BK:CITIZENS BANK, NATIONAL ID: [REDACTED] PMT DET:RPSKNQN38 Services D8 CHANCELER		903703200568704	-2,500.00
03/20/20	WIRE TYPE:BOOK OUT DATE:200320 TIME:1637 ET TRN: [REDACTED] RELATED REF:8DAWS9W4C BNF: [REDACTED] PRODUCTI ID: [REDACTED] PMT DET:Services 79th D6		903703200570880	-3,000.00
03/20/20	WIRE TYPE:WIRE OUT DATE:200320 TIME:1641 ET TRN: [REDACTED] SERVICE REF:015275 BNF: [REDACTED] BNF BK:WELLS FARGO BANK, N.A. ID: [REDACTED] PMT DET:CXQHBYXJT Other CH ELTON HAM D5		903703200572667	-3,000.00
03/20/20	WIRE TYPE:WIRE OUT DATE:200320 TIME:1642 ET TRN: [REDACTED] SERVICE REF:015533 BNF:TOWER EQUITY LLC ID: [REDACTED] BNF BK:WELLS FARGO BANK, NA ID:1 [REDACTED] PMT DET:203KF4122FAA0S35		903703200573398	-500,000.00
03/20/20	WIRE TYPE:WIRE OUT DATE:200320 TIME:1646 ET TRN: [REDACTED] SERVICE REF:015840 BNF:BOB CLARK ID: [REDACTED] BNF BK:PNC BANK, NATION AL ASSO ID:031000053 PMT DET:AD5PUAQV6 Other 19TH D8		903703200575598	-3,000.00

continued on the next page



TOWER EQUITY, LLC | Account # [REDACTED] 7454 | March 1, 2020 to March 31, 2020

Withdrawals and other debits - continued

Date	Transaction description	Customer reference	Bank reference	Amount
03/20/20	WIRE TYPE:WIRE OUT DATE:200320 TIME:1650 ET TRN [REDACTED] SERVICE REF:015730 BNF:LAWRENCE LOVE ID [REDACTED] BNF BK:PHILADELPHIA FE DERAL CR ID [REDACTED] PMT DET:K3N8S9LKN Other BEVE RLY COMP		903703200577826	-1,000.00
03/20/20	WIRE TYPE:BOOK OUT DATE:200320 TIME:1657 ET TRN [REDACTED] RELATED REF:9ANLD5M9W BNF:SETTING THE STAGE PRODUCTI ID [REDACTED] PMT DET:Services LUARA PAY SPARKS 150 ED 92//5 404 WMMKR1300		903703200582116	-3,075.00
03/24/20	WIRE TYPE:WIRE OUT DATE:200324 TIME:1348 ET TRN [REDACTED] SERVICE REF:009208 BNF:TRINET HR III, INC. ID [REDACTED] BNF BK:KEY BANK NATIONAL ASSOCI ID [REDACTED] PMT DET: [REDACTED] FBO REVO LLC		903703240511925	-10,922.09
03/24/20	WIRE TYPE:WIRE OUT DATE:200324 TIME:1443 ET TRN [REDACTED] SERVICE REF: [REDACTED] BNF:TRINET HR III, INC. ID [REDACTED] BNF BK:KEY BANK NATIONAL ASSOCI ID:041001039 PMT DET: [REDACTED] OC692V90FBO Retirement Insider LLC		903703240542110	-27,014.47
03/24/20	CAPITAL ONE DES:MOBILE PMT ID: [REDACTED] INDN:BATASHVILISIMON CO ID:9279744980 CCD		902583018577399	-4,943.79
03/25/20	WIRE TYPE:WIRE OUT DATE:200325 TIME:1226 ET TRN [REDACTED] SERVICE REF:008410 BNF:TOWER EQUITY LLC ID [REDACTED] BNF BK:WELLS FA RGO BANK, N.A. ID:121000248 PMT DET:203PB2528ILA00 14		903703250429276	-750,000.00
03/26/20	WIRE TYPE:WIRE OUT DATE:200326 TIME:1230 ET TRN [REDACTED] SERVICE REF:008857 BNF:TOWER EQUITY LLC ID [REDACTED] BNF BK:WELLS FA RGO BANK, N.A. ID:121000248 PMT DET: [REDACTED]		903703260429669	-950,000.00
03/26/20	TRINET DES:INVOICE ID:9WP600 INDN:TOWER EQUITY LLC CO ID: [REDACTED] CCD		902586002316415	-15,210.18
03/27/20	WIRE TYPE:BOOK OUT DATE:200327 TIME:1637 ET TRN [REDACTED] RELATED REF:44Q8KLCFA BNF:SETTING THE STAGE PRODUCTI ID [REDACTED] PMT DET:Services chew repairs		903703270595987	-2,550.00

continued on the next page

Attachment F

Wire Full Transaction Report**Channel Reference Number (SNDR REF NUM):** 0000855112805418**Original Channel (SRC):** FT1**Unique Transaction ID:** 2020042100157039**Debit Amount (AMT):** 17038.99**Debit Currency (CUR):** USD**Debit Account (DBT):** [REDACTED] 4517**Debit Value Date (DEBIT VAL):** 4/21/2020 12:00:00 AM**Wire Transaction Bank Details****Data Type:** DEBIT ADDRESS CREDIT ADDRESS BENEFICIARY**Bank ID:****Bank Code:** 121042882 121042882**Account ID:** [REDACTED] 041001039 [REDACTED]**Bank Name:** TOWER EQUITY, LLC KEYBANK NATIONAL ASSOCIATION**Address:** 8383 WILSHIRE BLVD STE 700 BEVERLY HILLS, CA 90211-2407

4910 TIEDEMAN ROAD MAILCODE OH-01-51-0641 CLEVELAND OH 44144

Details:FBO RETIREMENT
INSIDER LLC**Transaction Type (TYP):** FTR**Post Date:** 4/21/2020 3:00:57 PM**ADV:** FED**Credit Amount (AMT):** 17038.99**Credit Currency (CUR):** USD**Credit Account (CDT):** [REDACTED]**Credit Value Date (CREDIT VAL):** 4/21/2020 12:00:00 AM

Wire Full Transaction Report**Channel Reference Number (SNDR REF NUM):** 00000863126808998**Original Channel (SRC):** FT1**Unique Transaction ID:** 2020050500125175**Debit Amount (AMT):** 24237.88**Debit Currency (CUR):** USD**Debit Account (DBT):** [REDACTED] 4517**Debit Value Date (DEBIT VAL):** 5/5/2020 12:00:00 AM**Wire Transaction Bank Details****Data Type:** DEBIT ADDRESS CREDIT ADDRESS BENEFICIARY**Bank ID:****Bank Code:** 121042882 121042882**Account ID:** [REDACTED] 041001039 [REDACTED]**Bank Name:** TOWER EQUITY, LLC KEYBANK NATIONAL ASSOCIATION**Address:** 224 CONWAY AVE LOS ANGELES, CA 90024-2602

4910 TIEDEMAN ROAD MAILCODE OH-01-51-0641 CLEVELAND OH 44144

Details:MEMO FBO
RETIREMENT
INSIDER**Transaction Type (TYP):** FTR**Post Date:** 5/5/2020 2:27:01 PM**ADV:** FED**Credit Amount (AMT):** 24237.88**Credit Currency (CUR):** USD**Credit Account (CDT):** [REDACTED]**Credit Value Date (CREDIT VAL):** 5/5/2020 12:00:00 AM

Wire Full Transaction Report**Channel Reference Number (SNDR REF NUM):** 0000863126845209**Original Channel (SRC):** FT1**Unique Transaction ID:** 2020050600087253**Debit Amount (AMT):** 24237.88**Debit Currency (CUR):** USD**Debit Account (DBT):** [REDACTED] 4517**Debit Value Date (DEBIT VAL):** 5/6/2020 12:00:00 AM**Wire Transaction Bank Details****Data Type:** DEBIT ADDRESS**CREDIT ADDRESS****BENEFICIARY****Bank ID:****Bank Code:****Account ID:****Bank Name:** TOWER EQUITY,
LLC**Address:** 224 CONWAY AVE
LOS ANGELES, CA
90024-2602**Details:**

DUBLIN,CA,US

4910 TIEDEMAN
ROAD MAILCODE
OH-01-51-0641
CLEVELAND OH
44144TRINET HR III, INC
KEYBANK
NATIONAL
ASSOCIATIONMEMO FBO
RETIREMENT
INSIDER**Transaction Type (TYP):** FTR**Post Date:** 5/6/2020 11:32:41 AM**ADV:** FED**Credit Amount (AMT):** 24237.88**Credit Currency (CUR):** USD**Credit Account (CDT):** [REDACTED]**Credit Value Date (CREDIT VAL):** 5/6/2020 12:00:00 AM

Wire Full Transaction Report**Channel Reference Number (SNDR REF NUM):** 0000609155545490**Original Channel (SRC):** FT1**Unique Transaction ID:** 2020060300123325**Debit Amount (AMT):** 21760.08**Debit Currency (CUR):** USD**Debit Account (DBT):** [REDACTED] 4517**Debit Value Date (DEBIT VAL):** 6/3/2020 12:00:00 AM**Wire Transaction Bank Details****Data Type:** DEBIT ADDRESS**CREDIT ADDRESS****BENEFICIARY****Bank ID:****Bank Code:****Account ID:****Bank Name:** TOWER EQUITY,
LLC**Address:** 224 CONWAY AVE
LOS ANGELES, CA
90024-2602**Details:**

Budin

CA,US

retirement insider

Transaction Type (TYP): FTR**Post Date:** 6/3/2020 1:49:11 PM**ADV:** FED**Credit Amount (AMT):** 21760.08**Credit Currency (CUR):** USD**Credit Account (CDT):** [REDACTED]**Credit Value Date (CREDIT VAL):** 6/3/2020 12:00:00 AM

Wire Full Transaction Report**Channel Reference Number (SNDR REF NUM):** 0072994168029191**Original Channel (SRC):** FT1**Unique Transaction ID:** 2020061600128447**Debit Amount (AMT):** 24233.02**Debit Currency (CUR):** USD**Debit Account (DBT):** [REDACTED] 4517**Debit Value Date (DEBIT VAL):** 6/16/2020 12:00:00 AM**Wire Transaction Bank Details****Data Type:** DEBIT ADDRESS CREDIT ADDRESS BENEFICIARY**Bank ID:****Bank Code:** 121042882**Account ID:** [REDACTED] 4517**Bank Name:** TOWER EQUITY,
LLC

TRINET HR III, INC**Address:** 224 CONWAY AVE
LOS ANGELES, CA
90024-26024910 TIEDEMAN
ROAD MAILCODE
OH-01-51-0641
CLEVELAND OH
44144**Details:**retirement insider
3956977**Transaction Type (TYP):** FTR**Post Date:** 6/16/2020 1:55:52 PM**ADV:** FED**Credit Amount (AMT):** 24233.02**Credit Currency (CUR):** USD**Credit Account (CDT):** [REDACTED]**Credit Value Date (CREDIT VAL):** 6/16/2020 12:00:00 AM

Wire Full Transaction Report**Channel Reference Number (SNDR REF NUM):** 0006463182141013**Original Channel (SRC):** FT1**Unique Transaction ID:** 2020063000309825**Debit Amount (AMT):** 23998.41**Debit Currency (CUR):** USD**Debit Account (DBT):** [REDACTED] 4517**Debit Value Date (DEBIT VAL):** 6/30/2020 12:00:00 AM**Wire Transaction Bank Details****Data Type:** DEBIT ADDRESS CREDIT ADDRESS BENEFICIARY**Bank ID:****Bank Code:** 121042882 121042882**Account ID:** [REDACTED] 041001039 [REDACTED]**Bank Name:** TOWER EQUITY, LLC TRINET HR III, INC**Address:** 224 CONWAY AVE NATIONAL ASSOCIATION

LOS ANGELES, CA DUBLIN,CA,US

90024-2602 4910 TIEDEMAN

ROAD MAILCODE

OH-01-51-0641

CLEVELAND OH

Details:44144 MEMO ACCOUNT
RETIREMENT
INSIDER 397
5440**Transaction Type (TYP):** FTR**Post Date:** 6/30/2020 4:26:20 PM**ADV:** FED**Credit Amount (AMT):** 23998.41**Credit Currency (CUR):** USD**Credit Account (CDT):** [REDACTED]**Credit Value Date (CREDIT VAL):** 6/30/2020 12:00:00 AM

Attachment G

Zacks Service Confirmation and Redistribution/Data License Agreement

This agreement is made this 10th day of February, 2020, by and between Retirement Insider LLC d/b/a RetirementInsider.com ("LICENSEE"), a corporation organized under the laws of the State of California, and having its principal place of business at 300 New Jersey Avenue NW, Suite 900, Washington, DC 20001, and Zacks Investment Research, Inc ("ZACKS"), a corporation organized under the laws of the State of Illinois and having its principal place of business at 10 S. Riverside Plaza, 16th Floor Chicago, IL 60606. The term "ZACKS" shall be defined as meaning, at ZACKS' sole option, either (1) ZACKS; or (2) one or more third-party data providers ("THIRD PARTY PROVIDERS") whose data is being provided to LICENSEE by ZACKS; or (3) both ZACKS and any combination of THIRD PARTY PROVIDERS as stipulated by ZACKS.

INITIAL TERM: The Effective Date of this Agreement is the 10th of February 2020, and the Initial Term will be for one (1) year from the Effective Date. This agreement will renew at the end of the Initial Term, and each subsequent renewal, for an additional term of one (1) year, unless terminated in writing by either party with ninety (90) days advance notice, prior to the start of the new term. If notice of termination is given later than 90 days prior to the start of the new term, it will not take affect until the end of the new term.

Recitals: Whereas, Zacks is in the business of providing certain equity research, analysis, data and information as set forth in Schedule A hereto (the "LICENSED INFORMATION"); and Whereas, LICENSEE desires to license the LICENSED INFORMATION from ZACKS, via ZACKS, for the purpose(s) as set forth in Schedule A and subject to the terms and conditions herein.

1. AUTHORIZATION: LICENSEE is hereby authorized to license the data files listed here on this Schedule A, on behalf of Zacks, subject to the terms and conditions of entire agreement.

2. CONTROL OF DATA: LICENSEE will host the Licensed Information on servers owned, operated, or otherwise controlled by LICENSEE, and will maintain direct custody of the data on behalf of ZACKS's proprietary interests in the Licensed Information. UNLESS OTHERWISE EXPRESSLY STIPULATED IN SCHEDULE A, LICENSEE's only authorized form of distribution of the Licensed Information is by providing access to the Licensed Information via the method described in the Schedule A to this agreement; where each and every such form of distribution shall be implemented solely via technologies whose provision of access to the Licensed Information is accomplished in such a way that the Licensed Information remains physically and structurally located in databases and/or other files or repositories, any and all of which are situated in storage devices accessible only by server computers owned, operated, or controlled by, or operated on behalf of LICENSEE, and whereby LICENSEE maintains direct custodial responsibility on behalf of ZACKS's proprietary interests in the Licensed Information.

LICENSEE further acknowledges and agrees that the only authorized right of distribution granted to LICENSEE (and, to extent implicit therein, to LICENSEE's clients) is for provision of access to the Licensed Information, such as is provided, by LICENSOR in the Schedule A to this agreement.

3. THIRD-PARTIES: If applicable as determined in the Schedule A to this agreement, Each of LICENSEE's THIRD PARTY CLIENTS, subscribing Clients accessing the Zacks data must be listed in a report to be sent to ZACKS at the end of every month. A template for this report will be provided upon signature of this Agreement.

4. CUSTOM SOLUTIONS: LICENSEE shall supply ZACKS with all details regarding custom solutions for Clients.

5. TERMINATION: ZACKS may terminate this Agreement upon thirty (30) days written notice if: (a) LICENSEE shall fail to keep, observe, or perform any covenant or condition as set forth herein, or (b) if LICENSEE shall cease to function as a going concern as determined by ZACKS. The LICENSEE may terminate this Agreement if the other party shall cease to function as a going concern. Upon termination, all rights and obligations of the parties shall cease, except that LICENSEE shall not be relieved of: (1) its obligation to pay any money due, or to become due, as of or after the date of termination, (2) the obligations of confidentiality and non-disclosure, and (3) any other obligations set forth in this Agreement which are to continue or take effect after the date of termination. Furthermore, termination is without prejudice to the enforcement of any undischarged obligations existing at the date of termination. LICENSEE's obligations to protect ZACKS proprietary information shall survive after the date of termination. Within thirty (30) days after termination or expiration of this Agreement, LICENSEE shall destroy, erase, delete or return to ZACKS the original and all copies of the Data and other LICENSED INFORMATION provided to LICENSEE under this Agreement and all derivations made by LICENSEE using the Data provided under this Agreement in physical or electronic form, located in any office or within any IT systems under control of LICENSEE and shall certify such destruction in writing to ZACKS. Within 30 days of a request by ZACKS, LICENSEE shall provide an Auditor employed by ZACKS with access to all storage media and to all IT systems under

control of LICENSEE related to the subjects of this Agreement for the limited purpose of confirming that LICENSEE has complied with the destruction provisions of this section.

6. OBLIGATIONS OF LICENSEE: LICENSEE's use and formatting of the LICENSED INFORMATION is limited to terms and conditions as set forth in Schedule A and is subject to ZACKS review from time to time, LICENSEE shall ensure that ZACKS has ongoing access to monitor such use. ZACKS prior consent as to the use of the LICENSED INFORMATION is not required; however, ZACKS retains the right to request LICENSEE to promptly modify its use of any of the LICENSED INFORMATION. If LICENSEE refuses such request, ZACKS may, by delivering written notice to LICENSEE, terminate this Agreement and LICENSEE's use of ZACKS' Information upon a least five (5) days' written notice of such intent to terminate. Upon such termination, LICENSEE shall be entitled to a refund of any License Fees paid ZACKS by LICENSEE for any period after such termination.

7. OWNERSHIP: Notwithstanding the licenses granted here in, LICENSEE acknowledges and agrees that: (a) the LICENSED INFORMATION is the property of ZACKS and contains the valuable copyrighted and proprietary material of ZACKS; (b) the LICENSED INFORMATION is licensed and not sold to LICENSEE pursuant to this Agreement; (c) LICENSEE shall not have any rights in and to the LICENSED INFORMATION, except as specifically licensed under this Agreement; and (d) any and all trademarks and trade names which ZACKS uses in connection with the LICENSED INFORMATION are and shall remain the exclusive property of ZACKS. ZACKS shall retain all ownership rights in and to the LICENSED INFORMATION, and nothing contained herein shall be deemed to transfer to LICENSEE any ownership rights therein. LICENSEE shall promptly notify ZACKS if LICENSEE learns of any unauthorized use of the LICENSED INFORMATION, or any unauthorized use of ZACKS' or any ZACKS's intellectual property. LICENSEE agrees to cooperate with ZACKS' efforts to protect ZACKS interests with respect to ZACKS' intellectual property.

8. FEES AND BILLING: Pricing for LICENSED INFORMATION and terms are outlined, in detail, in Schedule A of this agreement.

9. END USERS DOWNLOADING/EXPORTING LICENSED INFORMATION: For purposes of this Agreement, Retirement Insider LLC d/b/a RetirementInsider.com's "End Users" are defined as LICENSEE's employees, and staff ("Subscribers"), who will be using the LICENSED INFORMATION from ZACKS. End Users shall not be allowed access to the LICENSED INFORMATION without first agreeing: a) that the LICENSED INFORMATION shall be used solely and exclusively for internal business/personal purposes within desktop applications or browsers b) will not be displayed on any website or via any application, copied, transferred, distributed, reproduced, reverse engineered, decrypted, decompiled, disassembled, used in creating derivative works from the LICENSED INFORMATION, or make any part of the LICENSED INFORMATION received thereby available to others c) will comply with all provisions of this agreement herein and d) will not allow the LICENSED INFORMATION to be regularly or systematically retrieved by End Users through automated protocols: i.e. Application Program Interfaces (APIs) or "server calls" unless otherwise specified in the Schedule A to this Agreement. LICENSEE will require its end users upon termination to immediately delete all LICENSED INFORMATION transferred or otherwise obtained from LICENSEE, and/or files and data items which were derived from such transferred or otherwise obtained files.

10. ADVERTISING OR PROMOTION: Neither party shall make, publish or distribute (whether in print, electronically or otherwise) any public announcements, press releases, advertising, marketing, promotional or other materials that use the other party's names, logos, trademarks or service marks or refer to the other party with regard to the execution or performance of this Agreement, without the prior written consent of the other, which consent shall not be unreasonably withheld. If within ten (10) days after delivery of samples of such material, the receiving party has not notified the sending party of its disapproval, such material shall be deemed approved.

11. ATTRIBUTION AND LINKS: IF APPLICABLE, LICENSEE will provide one or more graphics with ZACKS' attribution and branding at the bottom of all pages containing the LICENSED INFORMATION (the "LICENSED CONTENT PAGES"), subject to LICENSEE guidelines and as otherwise set forth herein. LICENSEE shall provide links on the LICENSED CONTENT PAGES to read "Data Provided by Zacks Investment Research, Inc., www.zacks.com." Hypertext and/or graphic links from the LICENSED CONTENT PAGES will be directed to ZACKS' Internet web site "(www.zacks.com)", or otherwise at ZACKS' direction. ZACKS reserves the right to change these attribution and/or copyright declarations by providing written notice to LICENSEE.

12. COPYRIGHT PROTECTION: The following copyright notices and disclaimers are applicable with respect to the LICENSED INFORMATION, and shall be used by LICENSEE in a prominent location whenever and wherever LICENSEE uses or copies any of the LICENSED INFORMATION:

Copyright (c) 1978-(Present) by ZACKS Investment Research, Inc ("ZACKS"). The information, data, analyses and opinions contained herein (1) includes the confidential and proprietary information of ZACKS, (2) may not be copied or redistributed, for any purpose, (3) does not constitute investment advice offered by ZACKS, (4) are provided solely for informational purposes, and (5) are not warranted or represented to be correct, complete, accurate or timely. ZACKS shall not be responsible for investment decisions, damages or other losses resulting from, or related to, use of this information, data, analyses or opinions. Past performance is no guarantee of future performance. ZACKS is not affiliated with [].

LICENSEE agrees to cooperate with ZACKS and its Suppliers to protect their proprietary rights in the LICENSED INFORMATION during the term of this Agreement and to retain all copyright, trademarks, service mark and other proprietary notices contained in the LICENSED INFORMATION, or required by this agreement on any copy made by LICENSEE. LICENSEE agrees to notify ZACKS promptly in writing of any violations of which LICENSEE becomes aware, or any claim that the LICENSED INFORMATION or any component part thereof infringes on any copyright, trademark or other contractual or statutory or common law right. ZACKS retains the right to require such violator's access to the LICENSED INFORMATION to be terminated immediately if such remedy is not fulfilled within five (5) business days, ZACKS retains the right to terminate this agreement without delay and LICENSEE will be liable for damages equal to maximum subscription rate for said file.

13. INDEMNIFICATION: If a third party claims that the Licensed Information infringes that party's patent, copyright or trademark or misappropriates that party's trade secret or other intellectual property right, ZACKS will, at its expense, defend LICENSEE against that claim and pay all costs, damages and reasonable attorney's fees that a court finally awards, provided that LICENSEE: (i) promptly notifies ZACKS in writing of the claim; (ii) allows ZACKS to control, and cooperates with ZACKS in the defense thereof and any related settlement negotiations; and (iii) in no event shall LICENSEE agree to, or authorize settlement of, any such claim without ZACKS' prior written agreement.

Notwithstanding the foregoing, ZACKS shall have no obligation under (a) with respect to any claim of infringement or misappropriation based upon any modification of the Licensed Information by or for LICENSEE, or its misuse, combination, operation or use with programs or equipment not specified by ZACKS.

LICENSEE hereby indemnifies and agrees to hold ZACKS, and their affiliates, and their successors and assigns, and their directors, officers and employees ("LICENSEE Indemnities") harmless against any and all penalties, damages, costs, judgments, attorney's fees or any other expenses incurred in connection with any breach by LICENSEE of the terms, covenants, representations or warranties set forth in this Agreement.

14. WARRANTY: ZACKS represents and warrants to LICENSEE that to the best of ZACKS' knowledge: (a) it has all rights in and to all copyrights, patents, trademarks and other intellectual property rights associated with the Licensed Information that are necessary to market, distribute and license the Licensed Information to LICENSEE in accordance with the terms of this Agreement; and (b) the Licensed Information is not defamatory and does not violate a third party's right of privacy. ZACKS does not warrant or represent or guarantee the accuracy or timeliness of the LICENSED INFORMATION, or of any of the data included with or used in the LICENSED INFORMATION. ZACKS' sole obligation, and LICENSEE's sole remedy, for any claimed defects shall be for ZACKS to exert its best efforts to supply LICENSEE with a defect free version of the LICENSED INFORMATION within a reasonable time after LICENSEE notifies ZACKS in writing of any such alleged defects.

15. DISCLAIMER: Although the Licensed Information is obtained from sources that are, to ZACKS' knowledge, reliable, ZACKS does not represent or warrant and LICENSEE acknowledges that ZACKS does not guarantee: (a) the accuracy, correctness, integrity, completeness or timeliness of the Licensed Information; or (b) that the Licensed Information complies with any requirements of any private or public organization or association, or the securities laws or regulations of any jurisdiction. ZACKS is not responsible for investment decisions, damages or other losses resulting from use of the Licensed Information. The timeliness of the Licensed Information is dependent upon collection schedules of ZACKS and other THIRD-PARTY PROVIDERS of data upon which the Licensed Information is based and the level of co-operation from the sources of such information, which are outside of the control of ZACKS and THIRD-PARTY PROVIDERS.

16. LIMITATION OF LIABILITY: THE FOREGOING WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. LICENSEE AGREES THAT THE LICENSED INFORMATION IS PROVIDED "AS IS" AND ALL FAULTS AND THE ENTIRE RISK AS TO SATISFACTORY QUALITY,

PERFORMANCE, ACCURACY AND EFFORT IS WITH LICENSEE. LICENSEE HEREBY EXPRESSLY WAIVES ANY AND ALL DRAFTS, CLAIMS, DAMAGES, ACTION AND CAUSES OF ACTIONS FOR INCIDENTAL, CONSEQUENTIAL, PUNITIVE, LOST PROFITS, OR COMPENSATORY DAMAGES. ZACKS does not assume, nor authorizes LICENSEE or any other person to assume for ZACKS, any other warranty. In no event shall ZACKS be liable to LICENSEE or others for any lost profits, incidental, special or consequential damages including damages due to delay in delivery or installation of the LICENSED INFORMATION or due to errors or un-timeliness of data in databases, even if ZACKS has been informed of the possibilities for said damages. LICENSEE agrees that ZACKS total liability for damages including but not limited to contract, negligence, strict liability in tort, warranty or patent or copyright infringement, shall be limited to the actual sums received by ZACKS from the LICENSEE pursuant to this Agreement.

17. CONFIDENTIALITY: The parties acknowledge that in the course of their dealings hereunder, each may acquire information about the other, its business activities and operations, its technical information and its trade secrets, all of which are proprietary and confidential (the "Confidential Information"). Both parties agree that the terms of this Agreement shall be deemed Confidential Information of each party. Each party hereby agrees that: (a) all Confidential Information shall remain the exclusive property of the owner; (b) such party shall maintain, and shall use prudent methods to cause its employees and agents to maintain, the confidentiality and secrecy of the other's Confidential Information; (c) such party shall use prudent methods to ensure that its employees and agents do not copy, publish, disclose to others or use (other than pursuant to the terms hereof) the other's Confidential Information; (d) such party shall return or destroy all copies of other's Confidential Information upon request of the other party; and the Confidential Information shall be used only for the purpose of carrying out this agreement.

18. MISCELLANEOUS:

- a) **Notices:** All notices, requests and other communications under this Agreement shall be in writing and be delivered in person, or sent by certified mail, return receipt requested, overnight courier service, email, or by facsimile to the address or facsimile number of the party set forth in the beginning of this Agreement, or to such other addresses or numbers as may be stipulated in writing by the parties pursuant hereto. Unless otherwise provided, notice will be effective on the date it is officially recorded as delivered by return receipt or equivalent or by facsimile confirmation date.
- b) **Entire Agreement:** This Agreement, together with any appendices or other attachments hereto, sets forth the entire understanding between the parties and supersedes any and all oral or written agreements or understandings between the parties as to the subject matter of this Agreement. This Agreement may be modified only in a document signed by both parties. This Agreement shall be binding upon and shall inure to the benefit of the undersigned parties and their respective successors and permitted assigns.
- c) **Assignment:** LICENSEE's benefits and obligations in this Agreement shall not be assigned (including assignment to a parent, subsidiary or fellow subsidiary company of LICENSEE, any change of control of LICENSEE or assignment by operation of law or otherwise) without the prior written consent of ZACKS. ZACKS may assign the benefits and obligations of this Agreement. This Agreement shall apply to, inure to the benefit of, and be binding upon the parties hereto and upon their permitted successors in interest and permitted assigns.
- d) **Third Party Beneficiaries:** The parties acknowledge that there are no intended third party beneficiaries of this Agreement.
- e) **Force Majeure:** In no event shall either party be liable to the other for any delay or failure to perform hereunder, which delay or failure to perform is due to causes beyond the control of said party including, but not limited to, government restrictions, exchange or market rulings, labor strike, war, act of civil or military authority, sabotage, epidemic, flood, earthquake, fire, other natural disaster or any other event, condition or occurrence beyond the reasonable control of such party.
- f) **Waiver:** The failure of either party at any time to require performance by the other party of any provision hereof shall in no way affect the full right to require such performance at any time thereafter, nor shall the waiver by either party of a breach of any provision hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of the provision itself.
- g) **Separability:** If any provision of this Agreement or the application thereof to any person or circumstances shall to any extent be held to be invalid or unenforceable, the remainder of the Agreement, or the application of such provisions to persons or circumstances as to which it is not held to be invalid or unenforceable, shall not be affected thereby, and each provision shall be valid and be enforced to the fullest extent permitted by law.

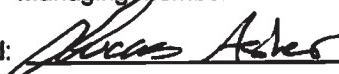
- h) **Relationship of the Parties:** This Agreement does not and shall not be deemed to constitute a partnership or joint venture between the parties and neither party nor any of their respective directors, officers, employees or agents shall, by virtue of the performance of their obligations under this Agreement, be deemed to be an agent or employee of the other.
- i) **Injunctive Relief:** LICENSEE acknowledges that ZACKS' legal remedies (including the payment of damages) would not adequately compensate ZACKS for any breach by LICENSEE of any provisions of this Agreement regarding the ownership, use, copying, distribution, confidentiality or nondisclosure of the Licensed Information, or ZACKS' Confidential Information, and that ZACKS would suffer continuing and irreparable injury to its business (or their businesses) as a direct result of such breach. Therefore, in the event of any such breach, LICENSEE consents to entry of any injunctive relief necessary to prevent or cure such breach (including temporary and preliminary relief, and relief by order of specific performance), without posting of bond or other security or proof of irreparable harm.
- j) **Governing Law; Place For Dispute:** LICENSEE may not bring legal action under this Agreement more than one (1) year after the cause of action arose. If both parties have their corporate headquarters located within the United States of America, then neither party shall initiate any cause of action in any court other than a court located in Cook County, Illinois, and the parties each hereby consent to the jurisdiction of such a court. The Agreement shall be construed in accordance with the laws of the jurisdiction in which the pertinent court sits. If LICENSEE's corporate headquarters resides outside the United States of America, then any legal action brought under this Agreement must be initiated in the State of Illinois, United States of America, and such legal action shall be governed in accordance with the laws of the State of Illinois.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed, and do each hereby warrant and represent to the other, that their respective signatory whose signature appears below has been and is on the date of this Agreement duly authorized by all necessary and appropriate corporate action to enter into, execute and perform its obligations under this agreement.

LICENSEE: Retirement Insider LLC d/b/a
RetirementInsider.com

By: Lucas Asher

Title: Managing Member

Signed: 

Date: 2-12-20

ZACKS Investment Research, Inc.

By: Ausra Di Raimondo

Title: EVP

Signed: _____

Date: _____

SCHEDULE A:

LICENSE, DESCRIPTION, UPDATE FREQUENCY AND FEE TERMS
OF ZACKS' LICENSED INFORMATION FOR INTERNAL USE ONLY

Page 5 of 6

DESCRIPTION AND UPDATE FREQUENCY OF LICENSED CONTENT:

ZACKS will make available to LICENSEE, for internal use only, defines as, the following ZACKS' files, via the Intrinio API, or Zacks FTP for the ZACKS Universe of North American equities (US Exchanges and Canadian Issues):

Data:

ZN1	Zacks Earnings Estimates	Daily	US & CAN
ZN2	Zacks Earnings Estimates Consensus Trend	Daily	US & CAN
ZN3	Zacks Earnings Surprise	Daily	US & CAN
ZN4	Zacks EPS Growth Rates	Daily	US & CAN
ZN5	Zacks Analyst Recommendations	Daily	US & CAN
ZN8	Zacks Analyst EPS Estimates & Recommendations	Daily	US & CAN
ZN11	Zacks Forward EPS Estimates	Daily	US & CAN
TPC	Target Price File	Daily	US & CAN
EPS_Consensus	EPS Consensus file	Daily	US & CAN
Ratings_Consensus	Ratings Consensus File	Daily	US & CAN
IHC	Institutional Holdings File	Daily	US Only
ETF_Holdings	ETF Holdings	Daily	US Equity &
	Bond ETF holdings		

Fees and Billing

ZN1	Zacks Earnings Estimates	
ZN2	Zacks Earnings Estimates Consensus Trend	
ZN3	Zacks Earnings Surprise	
ZN4	Zacks EPS Growth Rates	
ZN5	Zacks Analyst Recommendations	
ZN8	Zacks Analyst EPS Estimates & Recommendations	
ZN11	Zacks Forward EPS Estimates	
TPC	Target Price File	
EPS_Consensus	EPS Consensus file	
Ratings_Consensus	Ratings Consensus File	
IHC	Institutional Holdings File	
ETF_Holdings	ETF Holdings	

**Usage, users, and additional information**

Usage: Display only: free site and behind paywall

Process: Intrinio will run a query and create a file via API; Zacks will provide non-Intrinio feed data via FTP

Reporting: see agreement terms

Attachment H

ZACKS INVESTMENT RESEARCH, INC.
ADDEDNUM to the STANDARD DATA LICENSE AGREEMENT

This Addendum, made this 20th day of February, 2020, by and between Retirement Insider LLC d/b/a RetirementInsider.com ("LICENSEE"), a corporation organized under the laws of the State of California, and having its principal place of business at 300 New Jersey Avenue NW, Suite 900, Washington, DC 20001, and Zacks Investment Research, Inc ("ZACKS"), a corporation organized under the laws of the State of Illinois and having its principal place of business at 10 S. Riverside Plaza, 16th Floor Chicago, IL 60606, modifies some clauses of the Standard License AGREEMENT as set forth herein in Schedule A2, under the terms of said Agreement .

This Addendum Supplements Schedule A: Redistribution of the original Agreement, with the following:

**SCHEDULE A2: Redistribution
LICENSE, DESCRIPTION AND UPDATE FREQUENCY
OF ZACKS' LICENSED INFORMATION FOR REDISTRIBUTION ONLY**

DESCRIPTION AND UPDATE FREQUENCY OF LICENSED CONTENT:

ZACKS will make available to LICENSEE, the following ZACKS' files, via Zacks FTP for the ZACKS Universe of North American equities (US Exchanges and Canadian Issues):

Current Data:

Piotrosky	piotrosky	Weekly
EPS_Div_score	EPS_Div_Score	Weekly
EPS_score	EPS_Score	Weekly

Fees and Billing:

Piotrosky EPS_Div_score (discounted) EPS_score	all three files: [REDACTED] per year
---	--------------------------------------

LICENSEE: Retirement Insider, LLC

ZACKS Investment Research, Inc.

By: LUCAS ASHER

By: Len Zacks

Name: Lucas Asher

Name: _____

Title: CEO

Title: CEO

Attachment I

**ZACKS INVESTMENT RESEARCH, INC.
ADDEDNUM to the STANDARD DATA LICENSE AGREEMENT**

This Addendum, made this 22nd day of May, 2020, by and between Retirement Insider LLC d/b/a RetirementInsider.com ("LICENSEE"), a corporation organized under the laws of the State of California, and having its principal place of business at 300 New Jersey Avenue NW, Suite 900, Washington, DC 20001, and Zacks Investment Research, Inc ("ZACKS"), a corporation organized under the laws of the State of Illinois and having its principal place of business at 10 S. Riverside Plaza, 16th Floor Chicago, IL 60606, modifies some clauses of the Standard License AGREEMENT as set forth herein in Schedule A2, under the terms of said Agreement .

This Addendum Supplements Schedule A: Redistribution of the original Agreement

SCHEDULE A3: Redistribution

**LICENSE, DESCRIPTION AND UPDATE FREQUENCY OF ZACKS' LICENSED INFORMATION FOR
REDISTRIBUTION ONLY**

DESCRIPTION OF AND DEVELOPMENT TIME FOR, LICENSED CONTENT:

ZACKS will make available to LICENSEE, the following ZACKS' content for the ZACKS Universe of North American equities (US Exchanges and Canadian Issues) as described below:

Development time 0-2 weeks:

Trending topics

Zacks will provide a syndication feed, which will require 2 weeks development time. Call-to-actions (CTAs) as shown in the YAHOO page demo will be required.

Features Zacks Rank Stocks

Zacks will provide a syndication feed, which will require 2 weeks development time. Call-to-actions (CTAs) will be required (YAHOO model).

Research reports

Zacks provides two options for this feature from which Retirement Insider can select:

1. Fee-based File Transfer Protocol (FTP) feed with no development time required. Fees for this option, which must be password protected, are to be discussed at a later date.
2. No-cost solution in which the user reads an article on Retirement Insider and then clicks on the link to the report which takes the user back to zacks.com for the research report (YAHOO model).

Earnings Analysis

Zacks will provide a syndication feed, which will require 2 weeks development time. Call-to-actions (CTAs) will be required (YAHOO model).

Archives (Newsletters)

Zacks will provide all free zacks.com articles in a syndicated feed which will require 2-3 days development. Premium and Trading Services articles will not be provided.

Equity-research

Zacks will provide a syndication feed, which will require 2 weeks development time. Call-to-actions (CTAs) will be required (YAHOO model) for the Zacks Equity Research and Zacks Rank articles. Zacks Premium weekly analysis and Premium content will not be included.

Markets

Zacks will provide a syndication feed, which will require 2 weeks development time. Premium content will not be included.

LICENSEE: Retirement Insider, LLC

By: LUCAS ASHLEY

Name: Lucas Ashley

Title: CEO

ZACKS Investment Research, Inc.

By: Len Zacks

Name: _____

Title: CEO

Attachment J



Retirement Insider LLC Agreement

Prepared for:

Lucas Asher

Retirement Insider LLC

300 New Jersey Avenue NW, Suite 900

Washington, DC 20001

E asher@towertrade.com

Prepared by:

Steele Barcomb

Intrinio

600 1st Ave N, Suite 203

St Petersburg, FL 33701

E sbarcomb@intrinio.com

Lucas,

Intrinio is pleased to submit the following contract agreement for your review.

You will find the following enclosed:

PRICING OVERVIEW

PRODUCT TERMS

CONTACT INFORMATION

SIGNEE ACCEPTANCE

SERVICE AGREEMENT

If you agree to the terms of this contract agreement, please sign and date under the "SIGNEE ACCEPTANCE" section.

As always, if any changes are requested, or if you have any questions at all, please comment on this digital proposal (on the right). I will be alerted and will review as soon as possible.

Thanks and looking forward to working with you,

--

Steele Barcomb

Intrinio

sbarcomb@intrinio.com

As a customer of Intrinio, you agree to the fair use of your company name or your likeness for promotional purposes in marketing materials unless otherwise agreed upon.

In the event these Product Terms include additional or conflicting terms with respect to the redistribution use parameters in the Services Agreement, these Product Terms shall apply and supersede the redistribution use parameters in the Services Agreement.

API Usage Limits

600 API Calls Min

The price listed in this contract agreement shall continue for a period of 1 years (the "Contract Agreement Period"), and **invoicing shall be on an monthly basis for services** rendered in the following year.

Intrinio reserves the right to increase the annual price in this contract agreement by a max five percent (5%) year over year during the Contract Agreement Period. At the end of the Contract Agreement Period, an account review will be conducted with your team to draft a new contract agreement at that time.

If your subscription includes historical data, history will be restricted to one (1) year of data until payment for the first year has been received. Once payment has been received, full access to your subscription will be granted.

If payment for any billing period has not been received after sixty (60) days of invoicing, subscription access will be immediately terminated.

CONTACT INFORMATION

Per our services agreement, the following firm contacts will be kept on file for marketing and technical related questions.

Marketing and PR Contact:	
Gwen Thompson	gwen@portfolioinsider.com
<input type="checkbox"/> Same as contract acceptance signee	

Technical Data Delivery Contact:	
Konstantine	konstantin@retirementinsider.com
<input type="checkbox"/> Same as contract acceptance signee	

Billing Information:	
Dennis belichenko	accounting@kotelholdings.com
Retirement Insider, LLC	(877) 960-0615

SIGNEE ACCEPTANCE

By signing below, you hereby agree to the **Product Terms**, set forth in this ordering document, and the **Services Agreement** following this acceptance. Once signed, we will send an invoice for the contract amount to the billing contact.

Payment is due net 10 days from date of signature.

Intrinio, Inc. currently accepts ACH, Wire Transfer, and Credit Card payment options.

Please select your preferred payment method:

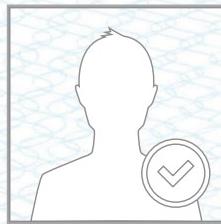
- ACH (VAT not included. It will be added to the invoiced amount where applicable)
- Wire Transfer (VAT not included. It will be added to the invoiced amount where applicable)
- Credit Card (an additional fee of 2.9% plus \$0.30 on top of each transaction will be charged)

<p>Intrinio, Inc. 600 First Avenue North, Suite 203 Saint Petersburg, Florida 33701</p> <p><i>Rachel Carpenter</i></p> <hr/> <p>Signature</p>	<p>Retirement Insider LLC 300 New Jersey Avenue NW, Suite 900 Washington, DC 20001</p> <hr/>  <hr/> <p>Signature</p>
--	---

Signature Certificate

Document Ref.: WVTE5-NGVPB-CPJZB-N8KPC

Document signed by:

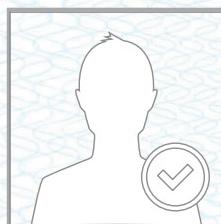
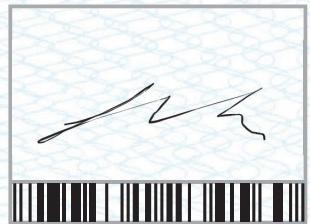


Lucas Asher

Verified E-mail:
asher@towertrade.com

IP: 98.153.204.146

Date: 02 Sep 2020 23:18:30 UTC



Rachel Carpenter

Verified E-mail:
rcarpenter@intrinio.com

IP: 35.142.172.192

Date: 03 Sep 2020 02:38:50 UTC



Document completed by all parties on:

03 Sep 2020 02:38:50 UTC

Page 1 of 1



Signed with PandaDoc.com

PandaDoc is the document platform that boosts your company's revenue by accelerating the way it transacts.



Attachment K

Number	Invoice Type	Entity Name	Contract Number	Date	Due Date	Invoice Status	Past Due (Days)	Amount	Applied Amount	Balance	Last Emailed	Last Opened
INV-13895	Invoice	Portfolio Insider	7857	8/22/2021	9/1/2021	Future (Not Sent)	0	30,483	-	30,483		
INV-13556	Invoice	Portfolio Insider	7857	7/22/2021	8/1/2021	Paid	0	30,483	30,483	-	8/4/2021	8/9/2021
INV-13208	Invoice	Portfolio Insider	7857	6/22/2021	7/2/2021	Past Due (Payment Failed)	48	29,733	-	29,733	8/11/2021	8/11/2021
INV-13149	Invoice	Portfolio Insider	7857	5/22/2021	6/1/2021	Paid	0	29,733	29,733	-	7/8/2021	7/8/2021
INV-12500	Invoice	Portfolio Insider	7857	4/22/2021	5/2/2021	Paid	0	32,233	32,233	-	4/22/2021	5/23/2021
INV-12499	Invoice	Portfolio Insider	7857	3/22/2021	4/1/2021	Paid	0	32,233	32,233	-	3/22/2021	5/6/2021
INV-12162	Invoice	Portfolio Insider	7857	2/22/2021	3/4/2021	Paid	0	29,733	29,733	-	2/22/2021	7/12/2021
INV-11376	Invoice	Portfolio Insider	7857	1/22/2021	2/1/2021	Paid	0	25,633	25,633	-	1/22/2021	
INV-10886	Invoice	Portfolio Insider	7857	12/22/2020	1/1/2021	Paid	0	21,233	21,233	-	12/22/2020	
INV-10885	Invoice	Portfolio Insider	7857	11/22/2020	12/2/2020	Paid	0	17,233	17,233	-	12/10/2020	5/6/2021
INV-10884	Invoice	Retirement Insider	7857	10/22/2020	11/1/2020	Paid	0	15,433	15,433	-		
26406	Invoice	Retirement Insider	7857	9/22/2020	10/1/2020	Paid	0	15,433	15,433	-		
25931	Invoice	Retirement Insider	7857	8/22/2020	9/1/2020	Paid	0	15,433	15,433	-		
INV-11321	Invoice	Retirement Insider	7857	7/22/2020	8/1/2020	Paid	0	10,850	10,850	-		
2950	Invoice	Tower Trade - Subsidiary	7954	5/1/2020	5/1/2020	Paid	0	550	550	-		
3030	Invoice	Tower Trade - Subsidiary	7954	4/29/2020	4/29/2020	Paid	0	19	19	-		
4072	Invoice	Tower Trade - Subsidiary	7954	3/31/2020	3/31/2020	Paid	0	550	550	-		
4107	Invoice	Tower Trade - Subsidiary	7954	3/29/2020	3/29/2020	Paid	0	19	19	-		
4741	Invoice	Tower Trade - Subsidiary	7954	3/1/2020	3/1/2020	Paid	0	550	550	-		
4796	Invoice	Tower Trade - Subsidiary	7954	2/29/2020	2/29/2020	Paid	0	19	19	-		
5480	Invoice	Tower Trade - Subsidiary	7954	1/31/2020	1/31/2020	Paid	0	546	546	-		
3851	Invoice	Tower Trade - Subsidiary	7954	1/8/2020	1/8/2020	Paid	0	19	19	-		
3852	Invoice	Tower Trade - Subsidiary	7954	1/8/2020	1/8/2020	Paid	0	19	19	-		
5748	Invoice	Tower Trade - Subsidiary	7954	12/31/2019	12/31/2019	Paid	0	349	349	-		

Attachment L



RETIREMENT INSIDER

Dear Ms. Hacker,

Listed below are the details of your employment offer, as well as the compensation structure for your role here at Retirement Insider. Your position with Retirement Insider will be "at will" and this offer is subject to your satisfactory passage of Retirement Insider additional requirements, which may include the completion of a job application, provision of identity-confirming documentation of work status, background checks, and/or reference checks.

Compensation: \$110,000 annually, with eligibility for performance review after 90 days

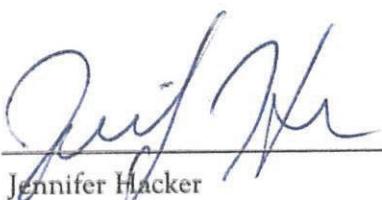
Benefits: You will be eligible for health benefits after 30 days of employment
You will be allowed 10 days of paid time off per calendar year

Please let us know if you have any questions!

Sincerely,

The Retirement Insider Team

With the signature below, I accept the material terms and conditions above.



Jennifer Hacker

6/16/20
Date

Attachment M

Supplier:

Metals.com
 9465 Wilshire Blvd
 Beverly Hills, CA 90212

Client:

[REDACTED]
 [REDACTED]
 Van Nuys, CA 91401

Payment Method: PayPal
 Order Number: #1001

Issue Date: Jan. 4, 2020

Item	Description	Quantity	Unit Price	Tax	Tax	Total
		1	1.49	7.25%	2.25%	\$1.49
	Subtotal					
	Shipping					
	Total excl. tax					
	Tax (CA State Tax) 7.25%					
	Tax (Los Angeles County Tax) 2.25%					
	Total incl. tax					
	Amount Paid					
	Amount Due					

Thank you for your purchase.

View this document online at <https://metals-dev.sufio.com/cxygs63psn>. Created in Sufio.

Supplier:

Metals.com
9465 Wilshire Blvd
Beverly Hills, CA 90212

Client:

[REDACTED]
[REDACTED]
Stamford, CT 06906

Payment Method: Create Invoice
Order Number: #1303

Issue Date: April 1, 2020

Item	Description	Quantity	Unit Price	Total
Gold American Eagle 1-oz	SKU: GAE50	3	1,709.36	\$5,128.08
	Subtotal			\$5,128.08
	Shipping			\$6.90
	Total			\$5,134.98
	Amount Due			\$5,134.98

Thank you for your purchase.

View this document online at <https://metals-dev.sufio.com/cxxk6shz4z>. Created in Sufio.

Metals.com • Phone: (877) 350-0771 • Email: orders@metals.com • metals.com

Attachment N

From: Andrew Carpenter
To: Brandis DeSimone; Megan Dias
Cc: Angie Abernathy; [REDACTED] grochmal@quodd.com; Konstantin Yurchenko
Subject: Re: Index License - Retirement Insider
Date: Tuesday, September 29, 2020 12:55:44 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

WARNING - External email; exercise caution.

Thanks Brandis,

This is the client, Portfolio Insider:

<https://portfolioinsider.com/>

They are a startup building a browser-based terminal for the non-professional market.

They want to put your index in a widget that would be visible to their paying customers when they are logged in which gives them very good control over who sees the data.

Intrinio is going to connect them with QUODD who will deliver the data via API to Konstantin, CTO of Retirement Insider, so they can build it into their application.

If you can send over the appropriate agreement and any questions you have for Konstantin I can facilitate getting it back to you.

Keep your powder dry,

Andrew Carpenter

Chief Operating Officer
INTRINIO
www.intrinio.com

600 First Avenue North, Suite 203
Saint Petersburg, Florida 33701

m: +1 (727) 331-3416
e: acarpenter@intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Sent: Tuesday, September 29, 2020 9:07 AM
To: Megan Dias [REDACTED]@intrinio.com>
Cc: Andrew Carpenter <acarpenter@intrinio.com>
Subject: RE: Index License - Retirement Insider

Thanks both!

Hi Andrew – this should be pretty quick to get set up. We just need to understand the use of the data etc so we can get the proper license in place.

Thank you!

Brandis DeSimone

Nasdaq
Direct: 212.231.5478
Mobile: 646.421.4846
brandis.desimone@nasdaq.com

From: Megan Dias [REDACTED]@intrinio.com>
Sent: Tuesday, September 29, 2020 11:05 AM
To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>
Cc: Andrew Carpenter <acarpenter@intrinio.com>
Subject: RE: Index License - Retirement Insider

WARNING - External email; exercise caution.

Hey Brandis,

Pleasure to e-meet you, just taking the time to loop in Andrew Carpenter as he will be working on this and providing more info.

Thanks,

Megan

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>
Sent: Tuesday, September 29, 2020 10:50 AM
To: Megan Dias [REDACTED]@intrinio.com>
Subject: RE: Index License - Retirement Insider

Hi Megan,

My name is Brandis and I represent Nasdaq's data business.

Do you mind looping in the client from Retirement Insider so we can get them set up?

Thanks!

Brandis DeSimone

Nasdaq
Direct: 212.231.5478

Mobile: 646.421.4846
brandis.desimone@nasdaq.com

From: Megan Dias <[\[REDACTED\]@intrinio.com](mailto:[REDACTED]@intrinio.com)>
Sent: 25 September 2020 18:36
To: Nasdaq Global Information Services - Sales <DataSales@nasdaq.com>
Cc: Andrew Carpenter <acarpenter@intrinio.com>; Lucas Asher <asher@towertrade.com>; Konstantin Yurchenko <konstantin@retirementinsider.com>; Steele Barcomb <[\[REDACTED\]@intrinio.com](mailto:[REDACTED]@intrinio.com)>; Gary Grochmal <gary.grochmal@quodd.com>
Subject: Index License - Retirement Insider

WARNING - External email; exercise caution.

Hi there,

I'm reaching out on behalf of Retirement Insider LLC. My client is looking to obtain a display license for the Nasdaq Indexes that you provide.

The delivery will be through QUODD Financial Services.

Can you let us know the next best steps to get the process started and how much this will be?

Thank you,



[Create Your Own Free Signature](#)



[Chat with me](#)

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Attachment O

To: Brandis DeSimone[Brandis.DeSimone@nasdaq.com]
Cc: Flavia Russo [REDACTED]@intrinio.com]; Yates Sayers [REDACTED]@intrinio.com; Connor McGrath [REDACTED]@quodd.com;
Gary Grochmal[gary.grochmal@quodd.com]
From: Andrew Carpenter[acarpenter@intrinio.com]
Sent: Thur 10/22/2020 3:20:51 PM (UTC-04:00)
Subject: Re: Nasdaq

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WARNING - External email; exercise caution.

Connor,

I just got the confirmation from Lucas, CEO at Portfolio Insider, they want to start integrating the MFQS and GIDs, 15-min delay, immediately.

Can you get them access today and tomorrow so that their dev team can begin work Monday?

My team and I will coordinate with Brandis on the paper work.

Keep your powder dry,

Andrew Carpenter

Chief Operating Officer
INTRINIO
www.intrinio.com

600 First Avenue North, Suite 203
Saint Petersburg, Florida 33701

m: +1 (727) 331-3416
e: acarpenter@intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>
Sent: Thursday, October 22, 2020 10:33 AM
To: Andrew Carpenter <acarpenter@intrinio.com>
Cc: Flavia Russo [REDACTED]@intrinio.com; Yates Sayers [REDACTED]@intrinio.com; Connor McGrath [REDACTED]@quodd.com;
Gary Grochmal <gary.grochmal@quodd.com>
Subject: RE: Nasdaq

Okay cool –UTP falls under a different arm of Nasdaq (technically it's a government entity). I can get you to the right folks if you need any help.

Let me know once you/the client is set with our paperwork and we'll get this wrapped up.

Thanks again!

Brandis DeSimone

Nasdaq
Direct: 212.231.5478
Mobile: 646.421.4846
brandis.desimone@nasdaq.com

From: Andrew Carpenter <acarpenter@intrinio.com>
Sent: Thursday, October 22, 2020 12:25 PM
To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>
Cc: Flavia Russo [REDACTED]@intrinio.com; Yates Sayers [REDACTED]@intrinio.com; Connor McGrath <[REDACTED]@quodd.com>;
Gary Grochmal <gary.grochmal@quodd.com>

WARNING - External email; exercise caution.

No worries Brandis,

They need the UTP as part of the consolidated tape, which they want because it would include large block trades across exchanges. I will get that paperwork in this week.

Stay tuned...

Keep your powder dry,

Andrew Carpenter

Chief Operating Officer

INTRINIO

www.intrinio.com

600 First Avenue North, Suite 203

Saint Petersburg, Florida 33701

m: +1 (727) 331-3416

e: acarpenter@intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Sent: Thursday, October 22, 2020 10:10 AM

To: Andrew Carpenter <acarpenter@intrinio.com>

Cc: Flavia Russo <frusso@intrinio.com>; Yates Sayers <ysayers@intrinio.com>; Connor McGrath <connor.mcgrath@quodd.com>;

Gary Grochmal <gary.grochmal@quodd.com>

Subject: RE: Nasdaq

As soon as we get the paperwork back, we can approve within 24 hours and QUODD can turn the data on. Not a problem. Again, I am required to say that it's for development only.

Do they need to use delayed UTP and could they use Nasdaq Basic instead (delayed) (this is a data feed of all US listed equities and ETFs but in one stream versus SIP (CTAA, UTP, CTAB)). If they went with Basic instead for equity pricing, I could do the same – turn it on immediately. For Basic there is only a \$150/mo admin fee from Nasdaq since it's delayed.

Brandis DeSimone

Nasdaq

Direct: 212.231.5478

Mobile: 646.421.4846

brandis.desimone@nasdaq.com

From: Andrew Carpenter <acarpenter@intrinio.com>

Sent: Thursday, October 22, 2020 12:05 PM

To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Cc: Flavia Russo <frusso@intrinio.com>; Yates Sayers <ysayers@intrinio.com>; Connor McGrath <connor.mcgrath@quodd.com>;

Gary Grochmal <gary.grochmal@quodd.com>

Subject: Re: Nasdaq

WARNING - External email; exercise caution.

Brandis,

I copied the QUODD team so they can see that we are ok to deliver the mutual fund NAVs and GIDS so long as Portfolio Insider commits to having them integrated by December 31st. I will copy you on that. The go-live date change agreements is a HUGE help.

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In addition to those datasets, we are in the process of helping them submit their paperwork for NASDAQ's UTP with a 15-min delay. Do you have the authority to let us give them access to that on an internal basis while that paperwork is in progress?

Keep your powder dry,

Andrew Carpenter

Chief Operating Officer

INTRINIO

www.intrinio.com

600 First Avenue North, Suite 203
Saint Petersburg, Florida 33701

m: +1 (727) 331-3416

e: acarpenter@intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>
Sent: Thursday, October 22, 2020 8:55 AM
To: Andrew Carpenter <acarpenter@intrinio.com>
Cc: Flavia Russo <frusso@intrinio.com>; Yates Sayers <ysayers@intrinio.com>
Subject: RE: Nasdaq

I'm completely comfortable allowing QUODD to have access to the data for Portfolio Insider immediately and not billing until December. That gives you ~45 days to essentially have the data for free. This is under the mutual understanding that if the data does get used in production (client facing) before December you'd let me know, because then it's fee-livable.

Brandis DeSimone

Nasdaq

Direct: 212.231.5478

Mobile: 646.421.4846

brandis.desimone@nasdaq.com

From: Andrew Carpenter <acarpenter@intrinio.com>
Sent: Thursday, October 22, 2020 10:31 AM
To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>
Cc: Flavia Russo <frusso@intrinio.com>; Yates Sayers <ysayers@intrinio.com>
Subject: Re: Nasdaq

WARNING - External email; exercise caution.

Thanks Brandis,

I am waiting to hear back from them on when they want this integrated- I'm going to be out next week so I've copied some of my team. I believe we are going to want to get the paperwork for the mutual funds and indices in place by next week.

I will know more later today.

Andrew Carpenter

Chief Operating Officer
INTRINIO
www.intrinio.com

600 First Avenue North, Suite 203
Saint Petersburg, Florida 33701

m: +1 (727) 331-3416
e: acarpenter@intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Sent: Thursday, October 22, 2020 6:19 AM

To: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Nasdaq

Hi Andrew,

I'm going to be out of office tomorrow. Is there anything else you need from me today before Monday?

Thanks,

Brandis

Brandis DeSimone

Nasdaq
Direct: 212.231.5478
Mobile: 646.421.4846
brandis.desimone@nasdaq.com

From: Brandis DeSimone

Sent: Monday, October 19, 2020 3:41 PM

To: 'Andrew Carpenter' <acarpenter@intrinio.com>

Subject: Nasdaq

Hi Andrew:

Here are the docs we need filled out for Portfolio Insider.

- 1) We require all new data firms to sign our [Global Data Agreement](#). This cannot be edited (the form itself is filed with the SEC). It can be signed directly via the link and just needs to be sent back to me.
- 2) Data Feed Request (DFR) which is available [here](#). This is essentially an online food menu of products, which does not require signature and is done entirely online.

For the DFR, here are a few tips to help:

- Check "new Nasdaq customer"
- Distributor Name/Firm Name is: Portfolio Insider
- Under "Billing Information" – your US Account# - leave blank
- Under "Data Feed Information":
 - The Data Provider is: QUODD
 - Leave "Account Number or Datafeed Location with Datafeed Provider" blank unless you happen to know their account # with QUODD
 - Associated System Name: this is whatever they call the system that will be taking in the data (the application name)
 - Start date: Date you fill out the DFR

▪ Usage: External

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▪ Timing: Real Time

▪ Source: production

▪ Additional Email Addresses: anyone at your firm or at Quodd or Portfolio Insider that should be on our approval email

▪ In comments please write: Working with Brandis DeSimone. GIDS delayed; NFN Real Time

▪ Skip over Connectivity

▪ At Products: Please follow the check boxes:

- 1) US products ->Global Index Data->Global Index Data Service->GIDS Global Index Data Service 2.0

- 2) US products ->Nasdaq Fund Network->NFN/Fata Service->NFN-Data Service

- 3) Order Form – attached. I can docusign for you as well if that is easier.

Best,
Brandis

Brandis DeSimone

Nasdaq

Direct: 212.231.5478

Mobile: 646.421.4846

brandis.desimone@nasdaq.com

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Attachment P

To: Yates Sayers[ysayers@intrinio.com]
Cc: Andrew Carpenter[acarpenter@intrinio.com]
From: Brandis DeSimone[Brandis.DeSimone@nasdaq.com]
Sent: Tue 12/15/2020 9:00:04 AM (UTC-05:00)
Subject: RE: Dark Pool Data From Tape?

Perfect – please let me know if you have any other questions.

Are they doing okay now with the dark pool stuff? Did Quodd get the fix in yesterday?

Brandis DeSimone

Nasdaq
Direct: 212.231.5478
Mobile: 646.421.4846
brandis.desimone@nasdaq.com

From: Yates Sayers <ysayers@intrinio.com>
Sent: Monday, December 14, 2020 7:35 PM
To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>
Cc: Andrew Carpenter <acarpenter@intrinio.com>
Subject: RE: Dark Pool Data From Tape?

WARNING - External email; exercise caution.

Thanks Brandis! Incredibly helpful.

I've recommended they use the exact questions on page two of that document you sent over. Looks pretty simple to report every month. I'll help make sure they're on that going forward.

Thanks again!

Yates Sayers

Vice President, Sales
Intrinio

intrinio.com

600 First Avenue North, Suite 203 m: +1 (727) 475-1295
Saint Petersburg, Florida 33701 e: ysayers@intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>
Sent: Monday, December 14, 2020 4:56 PM
To: Yates Sayers <ysayers@intrinio.com>
Cc: Andrew Carpenter <acarpenter@intrinio.com>
Subject: RE: Dark Pool Data From Tape?

KK – a few things.

- 1) We are okay with the use case that you provided below. Please remind Lucas that he is responsible for making sure that he reports all clients with real time.
- 2) All we need to know from you/Portfolio Insider is the TOTAL # of users for the real time. It's Portfolio Insider's responsibility to determine who is a pro and who is a non-pro – that's on them. They could use something like page 2 [here](#) to build out their click-through when a new user signs up.
- 3) At the end of every month, we are going to ask Portfolio Insider to report usage. We need the total number of pros, and total number of non-pros in that given month. If a user logs in one time on Jan 5th and sees real time, and never logs in again, they still count for January and need to be reported.
 - a. Intrinio/Portfolio Insider will report usage via an online web portal called NORA. It's not set up yet because you haven't been using real time for a full month, but it will look like the snap shot below. The client sample below only has professional users. However, Portfolio Insider will have both pros and

nonpros, so there will be six reports for Portfolio Insider:

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1. Nasdaq Basic for NYSE (Tape A) Professional Subscriber Fee – cost is \$6.50
 2. Nasdaq Basic Professional Subscriber Fee – cost is \$13
 3. Nasdaq Basic for NYSE MKT Professional subscriber Fee - cost is \$6.50
- **all three reports should always have the same number, as the feed is stitched together**
An example would be if they had 20 professionals, they would report 20 for each above and therefore would be charged \$26*20

ii. Non - Pro:

1. Nasdaq Basic for NYSE (Tape A) Non-Professional Subscriber Fee –cost is .25
 2. Nasdaq Basic Non Professional Subscriber Fee – cost is .50
 3. Nasdaq Basic for NYSE MKT Non Professional subscriber Fee cost is .25
- **all three reports should always have the same number, as the feed is stitched together**
An example would be if they had 500 non -professionals, they would report 500 for each above and therefore would be charged \$1.00*500

Account Number:	100563974	Report Status:	All	<input type="checkbox"/> Allow Future Reporting	<input type="button" value="Get Reports"/>	<input type="button" value="Go to Search"/>
<input type="radio"/> Collapse All <input checked="" type="radio"/> Expand All						
100563974 - Report Titles						
Report Title Name	Report Title ID	Item No.	Effective Date	End Date	Hide	Top
Nasdaq Basic For NYSE (Tape A) Professional Subscriber Fee - Nasdaq Basic for NYSE (Tape A) Professional Subscriber Fee	100566619	907204	11/1/2020			
Report Month	Reported Quantity	New Quantity	Comments	Comment History	Status	Delete
December 2020	1				Approved	
November 2020	1				Approved	
Nasdaq Basic Professional Subscriber Fee - Nasdaq Basic Professional Subscriber Fee						
Report Month	Reported Quantity	New Quantity	Comments	Comment History	Status	Delete
December 2020	1				Approved	
November 2020	1				Approved	
Nasdaq Basic For NYSE MKT (Tape B) Professional Subscriber Fee - Nasdaq Basic for NYSE MKT (Tape B) Professional Subscriber Fee						
Report Month	Reported Quantity	New Quantity	Comments	Comment History	Status	Delete
December 2020	1				Approved	
November 2020	1				Approved	

This is a lot – I know. But we do not require their information – just the total number.

I'll let you digest and let me know what you think.

Thanks,
Brandis

Brandis DeSimone

Nasdaq
Direct: 212.231.5478
Mobile: 646.421.4846
brandis.desimone@nasdaq.com

From: Yates Sayers <ysayers@intrinio.com>

Sent: Monday, December 14, 2020 4:39 PM

To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

WARNING - External email; exercise caution.

Hi Brandis, Case 3:20-cv-02910-L Document 313-1 Filed 09/16/21 Page 87 of 200 PageID 5597

I have not. If you don't mind sending a screenshot or demo account I can just play around with that would be terrific.

Thank you!

Yates Sayers

Vice President, Sales
Intrinio

intrinio.com

600 First Avenue North, Suite 203 m: +1 (727) 475-1295
Saint Petersburg, Florida 33701 e: ysayers@intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Sent: Monday, December 14, 2020 4:33 PM

To: Yates Sayers <ysayers@intrinio.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

Hi Yates,

Have you see a NORA screen yet? If not I can send.

Let me know.

Thanks,

Brandis

Brandis DeSimone

Nasdaq

Direct: 212.231.5478

Mobile: 646.421.4846

brandis.desimone@nasdaq.com

From: Yates Sayers <ysayers@intrinio.com>

Sent: Monday, December 14, 2020 4:10 PM

To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

WARNING - External email; exercise caution.

Thanks Brandis!

If you can let me know too on any specific info they need to report on for each individual user (email, location, name, etc.) I will coordinate with them. They apparently have 500 users ready to upgrade to real-time, so I want to make sure I have them classify each correctly, and collect all necessary information for each for reporting purposes.

Thanks again,

Yates Sayers

Vice President, Sales
Intrinio

intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Sent: Monday, December 14, 2020 3:36 PM

To: Yates Sayers <ysayers@intrinio.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

Hey Yates,

Sorry for the delay – been a surprisingly busy day here.

99% sure this is okay but let me run it by someone to check..back to you shortly.

Thanks!

Brandis DeSimone

Nasdaq

Direct: 212.231.5478

Mobile: 646.421.4846

brandis.desimone@nasdaq.com

From: Yates Sayers <ysayers@intrinio.com>

Sent: Sunday, December 13, 2020 1:50 PM

To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

WARNING - External email; exercise caution.

Hi Brandis,

No need to get back on this today.

Following up on my last email and have another quick question for you.

It sounds like Portfolio Insider would like to take in and store your real-time Nasdaq Basic feed in their own database, and delay it by 15 minutes on their end. New users would default to see the 15-minute delayed prices, and would have to upgrade their account to view the true real-time data.

They are currently licensed for “external redistribution”. If they are storing the real-time pricing data in their own database and manipulating it to create their own 15-minute delayed stream, are there any additional fees associated with doing that? Wasn’t sure if the internal redistribution fee and/or the derived data fee might apply here.

Thanks for the help,

Yates Sayers

Vice President, Sales
Intrinio

intrinio.com

From: Yates Sayers

Sent: Thursday, December 10, 2020 1:45 PM

To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

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Wow I'm so sorry to hear. Praying for Michael and his family. Goes without saying we'll put that on the backburner.

Thanks for the quick reply on the DFR. I spoke with Lucas, and it sounds like he has 500 customers ready to begin consuming the real-time data. I want to make sure we nail the user classification and reporting for you. So:

1. From your previous email: "*We have many examples of language for user click-throughs they could offer their users at initial sign-up with language if they need help. Therefore the user clicks through some questions and is qualified based on the questions and what they disclose.*" . Can you please send over one of those examples you referenced? He is also accessing S&P and Dow Jones indices from the CME. They require the below language/criteria to classify each user. Would using the exact language below work for you as well? Would be great to line these up/knock them out in a single signup flow if possible:

14.1 Retail Subscriber Fees apply only where a Subscriber meets the following criteria:

(a) is an individual, natural person;
(b) is not a member, or holder or lessee of any type of membership of any exchange;
(c) is not registered or qualified as a professional trader or investment adviser with any stock, commodities or futures exchange or contract market, or with any financial regulatory authority; and
(d) is not acting on behalf of an institution that engages in brokerage, banking, investment, or financial activities.

(e) Use of Information by Subscriber must:

- 1) be solely for the Retail Subscriber's personal or private use;*
- 2) be limited to managing the Retail Subscriber's own assets; and*
- 3) not be used in connection with the management of any assets of any third party in any capacity.*

14.2 Retail Subscriber with Trading Fees apply where in addition to the above, the Retail Subscriber has an active brokerage/trading account with the Licensee for the Service in which the Information is displayed.

14.3 Licensee must report Devices that qualify for Retail Subscriber with Trading Fees on an aggregated total Device per month basis. No Subscriber level reporting is required.

14.4 Licensee warrants that those Subscribers reported to S&P DJI as Retail Subscribers meet the conditions of section 14.1 of this Schedule and Subscribers reported

2. When they report their users on a monthly basis, is there any specific info/items you need for each user? Like name, email, phone number, address, etc.? Want to make sure they begin capturing any and all user level data you require early on.

Thanks again,

Yates Sayers

Vice President, Sales
Intrinio

intrinio.com

600 First Avenue North, Suite 203 m: +1 (727) 475-1295
Saint Petersburg, Florida 33701 e: ysayers@intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Sent: Thursday, December 10, 2020 1:28 PM

To: Yates Sayers <ysayers@intrinio.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

Thanks perfect. I also owe you a response to the deeper partnership email – which I really appreciate, by the way. The short answer is yes we definitely want to do something. The longer answer is, Michael Markes is having a bit of a family emergency. Between us, his wife is in the hospital after a relatively serious car accident and he's offline right now. He

Thanks again!!

Brandis DeSimone

Nasdaq

Direct: 212.231.5478

Mobile: 646.421.4846

brandis.desimone@nasdaq.com

From: Yates Sayers <ysayers@intrinio.com>

Sent: Thursday, December 10, 2020 1:24 PM

To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

WARNING - External email; exercise caution.

Hi Brandis,

Thanks for these detailed notes. That was incredibly easy.

I just submitted the DFR on PI's behalf. Let me know if I missed anything/need to redo anything.

Thanks again,

Yates Sayers

Vice President, Sales
Intrinio

intrinio.com

600 First Avenue North, Suite 203
Saint Petersburg, Florida 33701

m: +1 (727) 475-1295

e: ysayers@intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Sent: Monday, December 7, 2020 1:51 PM

To: Yates Sayers <ysayers@intrinio.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

Here is help with the DFR. Takes us about 24 hours to process and then we will send an approval email to everyone that you include in #4h below.

It's best to open a new window and keep my notes open as well while filling out the form.

Please click here: <http://www.nasdaqtrader.com/Trader.aspx?id=DataFeedAppReqForm>

Tips for filling out the DFR:

- 1) Click the circle for "existing Nasdaq Customer"
- 2) Distributor name/firm name is: Portfolio Insider
- 3) Under: Billing Information" – Leave all this blank – we haven't billed them yet so they don't have a # yet
- 4) Under: data Feed Information:
 - a. Provider is: Quodd
 - b. Service Start Date: today
 - c. Account Number or Datafeed Location with Datafeed Provider: this is their account # with Quodd (only if you know

it, otherwise leave blank)

d. Associate System Name: Portfolio Insider

e. Office ID: leave blank

f. Datafeed Timing: real time

g. Datafeed Source Type: Production

h. Additional Email Addresses: everyone at Portfolio Insider/Quodd/Intrinio that needs to be on the approval. Last time you had: ysayers@intrinio.com; acarpenter@intrinio.com; frusso@intrinio.com; corporate@portfolioinsider.com; gary.grochmal@quodd.com; connor.mcgrath@quodd.com

i. Comments: Already taking Nasdaq Basic with NLS Plus delayed – please move to real time. Brandis DeSimone is our contact.

5) Connectivity Options: leave all blank

6) Products: click as below:

a. US products ->US Equities -> Nasdaq Equities ->Nasdaq Basic ->Nasdaq Basic with NLS Plus

That should do it! Please let me know once submitted.

Thanks,
Brandis

Brandis DeSimone

Nasdaq

Direct: 212.231.5478

Mobile: 646.421.4846

brandis.desimone@nasdaq.com

From: Yates Sayers <ysayers@intrinio.com>

Sent: Monday, December 7, 2020 12:44 PM

To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

WARNING - External email; exercise caution.

Just to confirm, the admin fees would be a total of \$300/month for accessing both the delayed NB and real-time NB? Or, would both be in play, making it \$450/month in admin fees?

Roger on the NORA requirements. That's perfect. If you don't mind sending over instructions for the DFR I can get started on that.

Thanks again,

Yates Sayers

Vice President, Sales
Intrinio

intrinio.com

600 First Avenue North, Suite 203
Saint Petersburg, Florida 33701

m: +1 (727) 475-1295

e: ysayers@intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Sent: Monday, December 7, 2020 12:26 PM

To: Yates Sayers <ysayers@intrinio.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

The admin fees would change to \$300. Basic is comprised of three exchanges: Nasdaq, BX, PSX. To explain more clearly

- for the admin fees: It's \$50 per exchange for delayed (so \$50 x 3), \$100 per exchange for real time (so \$100 x 3)

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As for NORA reporting for Pro/Non-Pro: we leave it up to PI to do due diligence on their end and, if audited, to present how they classified their users as a pro or non-pro. We have many examples of language for user click-throughs they could offer their users at initial sign-up with language if they need help. Therefore the user clicks through some questions and is qualified based on the questions and what they disclose.

Brandis DeSimone

Nasdaq

Direct: 212.231.5478

Mobile: 646.421.4846

brandis.desimone@nasdaq.com

From: Yates Sayers <ysayers@intrinio.com>

Sent: Monday, December 7, 2020 12:06 PM

To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

WARNING - External email; exercise caution.

Hi Brandis,

Thanks for the detailed reply! Incredibly helpful.

Would that \$2,000/month for the real-time NB remove the \$150/month admin fee they are currently paying for delayed NB? Or would they need to continue paying that separate fee for the delayed data as well? They'll want to continue utilizing both.

For the NORA, they'll need to report whether an individual is a professional or non-pro. Does that mean that each of their end users viewing the real-time data will need to complete a specific Nasdaq form to classify/record them? Or do you leave it up to PI to do due diligence on their end and, if audited, to present how they classified their users as a pro or non-pro? Just want to make sure these guys are doing it by the books.

Thanks again!

Yates Sayers

Vice President, Sales

Intrinio

intrinio.com

600 First Avenue North, Suite 203

Saint Petersburg, Florida 33701

m: +1 (727) 475-1295

e: ysayers@intrinio.com

From: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>

Sent: Monday, December 7, 2020 9:26 AM

To: Yates Sayers <ysayers@intrinio.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>

Subject: RE: Dark Pool Data From Tape?

Hi there, morning guys.

- 1) **Identifying Dark Pool trades:** The links that Lucas sent led me to two separate sites that displayed options data, but he's asking about "off exchange equity trading – aka: dark pools". I'm going to ignore the links, but if he wants the options data, we have it in a product called Smart Options, so let me know.

Assuming he wants to read the tape to find out the location of the trade (on exchange or dark pool). Then yes, he can get this on Nasdaq Basic – it's quite simple. Right now he is approved for the delayed feed via Quodd. When his engineers are reading the feed, the Exchange Code is D, and there is a Sub Market Center ID to attribute the trade report back to TRF Nasdaq or TRF Chicago. Anything with a subcode for "TRF Nasdaq" or "TRF Chicago" means that the trade did NOT happen on an exchange and happened in the dark. Happy to talk to his team if they need help. As a rule of thumb, about 30-40% of a corporate listing's trading occurs off-exchange (aka dark pool).

- 2) **Adding Nasdaq Basic in Real Time:** This is a common request and something that Lucas and I spoke about. Right now, Portfolio Insider is approved for delayed Basic. This means instead of seeing the feed from 930AM-4PM, they see the feed with a 15 min lag. They only pay admin fees for this, and they do not need to report users.

To add Nasdaq Basic real time:

- 1) We will need Portfolio Insider to resubmit a DFR asking to now have this in real time. This is very easy and I can walk you through how to do this on their behalf over email. It should take you 3 minutes.
- 2) Pricing. Nasdaq Basic (the proper name for it is 'Nasdaq Basic with NLS Plus') has a fee of \$2k/mo for external distribution. This is regulated (non-negotiable) and posted [here](#). Portfolio Insider will need to make sure they can control these users, meaning they must be able to control access (user name and password, I assume), and also count them on a monthly basis. We will set up Portfolio Insider with access to a system called NORA where each month, they must report back to us the total # of real time users for that month. Professionals are \$26/mo, and non-professionals are \$1. Please note that if a user gets the data 1 time or 500 times a month, they are still liable to pay the monthly fee.
- 3) Please note that Basic would replace the idea of using SIP (CTA and UTP) data for your real time users. The cost to use SIP would be ~\$9k/mo and 3x the cost of the per user fee.

I think that covers it – I'm around all day/week so let me know what else you need.

Thanks!

Brandis DeSimone

Nasdaq
Direct: 212.231.5478
Mobile: 646.421.4846
brandis.desimone@nasdaq.com

From: Yates Sayers <ysayers@intrinio.com>
Sent: Sunday, December 6, 2020 1:29 PM
To: Brandis DeSimone <Brandis.DeSimone@nasdaq.com>
Cc: Andrew Carpenter <acarpenter@intrinio.com>
Subject: FW: Dark Pool Data From Tape?

WARNING - External email; exercise caution.

Hi Brandis,

Hope you're having a nice weekend!

Do you mind helping me with responses to Lucas' two questions below?

For 1, I'm planning on asking QUODD as well, but figured I'd check with you to see if you have any recommendations. Any advice/insight would be much appreciated.

If you can send over the additional fees, information, and paperwork that Lucas (...we) need to sign for this I can get it rolling.

Thanks again for all the help,

Yates Sayers

Vice President, Sales
Intrinio

intrinio.com

600 First Avenue North, Suite 203 m: +1 (727) 475-1295
Saint Petersburg, Florida 33701 e: ysayers@intrinio.com

From: Corporate Headquarters <corporate@portfolioinsider.com>

Sent: Saturday, December 5, 2020 6:02 PM

To: Yates Sayers <ysayers@intrinio.com>

Cc: Andrew Carpenter <acarpenter@intrinio.com>; Marketing Department <cc@portfolioinsider.com>; Kyle Portfolio Insider <kd@portfolioinsider.com>; Konstantin Yurchenko <konstantin@portfolioinsider.com>

Subject: Dark Pool Data From Tape?

Yates and Andrew,

I think we are going to launch our new service on Monday with the new UI and data.

I have two outstanding issues that are critical to us adding scale to our long term relationship.

1. Andrew did a lot of research for me on ATS "Dark Pool" data. That led us to our current NASDAQ relationship. I need a summary of how our developers can read the tape and build an algo for showing ATS/dark pool data.

E.G.

<https://www.cheddarflow.com/>

<https://flowalgo.com/>

2. Assuming I want to "turn on" real time NASDAQ data with QUODD for a limited amount of users. What is that process like? I want to start with the smallest amount of users contractually possible so we can start a sandbox to develop our front end.

Thanks,

--

Asher, Ext 777

--
Portfolio Insider
Corporate@PortfolioInsider.com

Portfolio Insider

(866) 980-2909

support@portfolioinsider.com

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Attachment Q

Kelly Crawford
Receiver
500 N. Akard, Suite 2700
Dallas, Texas 75201
(214) 706-4213
kelly.crawford@solidcounsel.com

August 3, 2021

Via Overnight Mail

[REDACTED]
Intrinio
600 1st Avenue N., Suite 203
St. Petersburg, Florida 33701

RE: *Commodity Futures Trading Commission, et al v. TMTE, Inc. a/k/a Metals.com, Chase Metals, Inc., Chase Metals, LLC, Barrick Capital, Inc., Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher, Simon Batashvili, Defendants and Tower Equity, LLC, Relief Defendant.*; Cause No. 3:20-CV-2910-L; pending in the United States District Court for the Northern District of Texas, Dallas Division

Dear Ms. Carpenter:

I am the Court appointed Receiver in the case referenced above. Copies of (1) the *Order Granting Plaintiffs' Emergency Ex Parte Motion for Statutory Restraining Order, Appointment of Receiver, and Other Equitable Relief* (the "SRO"); (2) the *Consent Order of Preliminary Injunction as to Lucas Thomas Erb a/k/a/Lucas Asher a/k/a Luke Asher and Simon Batashvili* (the "Individuals Consent Order"); and (3) the *Consent Order of Preliminary Injunction as to Defendant TMTE, Inc. d/b/a Metals.com, Chase Metals, LLC, Metals, Inc., Barrick Capital, Inc., and Relief Defendant Tower Equity, LLC* (the "Entities Consent Order") are enclosed for your review. Also enclosed is *Order Granting Receiver's Motion to Identify Certain Entities in Receivership* (the "Additional Entities Order"). The SRO, Individuals Consent Order, Entities Consent Order, and Additional Entities Order are collectively referred to herein as the "Receivership Orders."

The Receivership Orders direct and authorize me to take custody, control, and possession of all assets of the Defendants and Relief Defendant and of all records of the Defendants and Relief Defendants. (*see* SRO, ¶30). The Receivership Orders extend to each of the following Defendants and Relief Defendants as well as any affiliates or subsidiaries owned or controlled by the following Defendants and Relief Defendant (collectively, the "Receivership Defendants"):

TMTE, Inc., also known as Metals.com

Chase Metals, Inc.

Chase Metals, LLC

Barrick Capital, Inc.

Luca Thomas Erb, also known as Lucas Asher, also known as Luke Asher

Simon Batashvili

Tower Equity, LLC

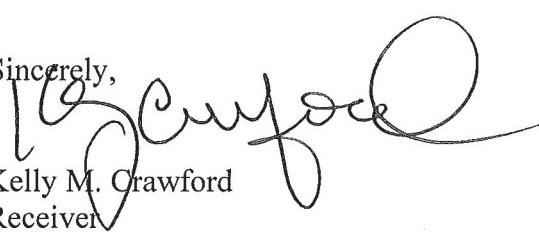
The Receivership Orders also extend to and include Retirement Insider, LLC, and the definition of Receivership Defendants includes Retirement Insider, LLC.

Based upon my investigation and the enclosed documents it appears that Intrinio received in excess of \$140,000 from the entities in receivership. Pursuant to the terms of the Receivership Orders, please provide me, within 10 days after your receipt of this letter, copies of all documents that reflect, refer to, or evidence:

1. Any contracts between Intrinio and any of the receivership entities or Defendants Lucas Asher or Simon Batashvili from January 1, 2020 to the present;
2. Any communications between Intrinio and any of the receivership entities, Defendants Lucas Asher, or Simon Batashvili from January 1, 2020 to the present;
3. Any payments received from any of the receivership entities or Defendants Lucas Asher or Simon Batashvili or entities they own or control, from January 1, 2020 to the present; and
4. Any services provided by Intrinio in exchange for the monies it received from the receivership entities and/or Defendants Lucas Asher or Simon Batashvili from January 1, 2020 through the present.

The foregoing requests are specifically made pursuant to paragraphs 29, 31, and 34 of the *SRO*.

Should you have any questions, please do not hesitate to call. Thank you.

Sincerely,

Kelly M. Crawford
Receiver

Enclosures

Invoice #74D42357-0001

AMOUNT DUE	DATE DUE	BILLED TO
\$123,600.00	Apr 27, 2020	Simon Batashvili 300 New Jersey Avenue NW Suite 900 Washington, District of Columbia 20001 United States

[Pay this invoice](#)

SEARCH

PAY \$123,600.00 WITH ACH OR WIRE TRANSFER

Bank name	WELLS FARGO BANK, N.A.
Routing number	121000248
Account number	[REDACTED] 8031
SWIFT code	WFBIUS6S

If you have any questions, contact Intrinsic at billing@intrinsic.com or call at [+1 727-310-0609](tel:+17273100609).



600 1st Ave N, Suite 203

St. Petersburg, FL 33701

414-333-4858

billing@intrinio.com

www.intrinio.com

INTRINIO

DATA INTELLIGENCE. ON DEMAND.

INVOICE

BILL TO**INVOICE #** 1361

Lucas Asher

DATE 08/22/2021

RetirementInsider.com

DUE DATE 09/01/2021

300 New Jersey Avenue NW,

TERMS Net 10

Suite 900

Washington, DC 20001 USA

CONTACT

Lucas Asher

ACTIVITY**Zacks Custom Bundle**

Custom Bundle of 12 Zacks data feeds access through the Intrinio API. Also includes a separate news service delivered directly from Zacks

Intrinio Custom Bundle

Custom Bundle of US Core and US Analytics Intrinio data feeds accessed through the Intrinio API

Mutual Fund Feed

Closed End Fund Data - Display

CFRA ETF Data

Custom Bundle of CFRA ETF data feeds

We accept the following payment options:
ACH, Credit Card & Wire

BALANCE DUE

\$15,-

Make all checks payable to: Intrinio, Inc.

101

From: Intrinio, Inc.
Sent: Tuesday, May 5, 2020 2:33 PM CDT
To: simon@towerequity.com
CC: ysayers@intrinio.com
Subject: Invoice 1331 from Intrinio, Inc.
Attachments: Invoice_1331_from_Intrinio_Inc.pdf



Intrinio, Inc.

To: Tower Trade

Here's your invoice! We appreciate your prompt payment.

Thanks for your business!

Intrinio, Inc.

INVOICE 1331 DETAILS

DUE 04/29/2020

\$10,300.00

[Pay invoice](#)

Powered by QuickBooks

Bill to 300 New Jersey Avenue NW
Suite 900
Washington, District of Columbia 20001
United States

.....
Terms Net 14

.....
Contact Simon Batashvili

Other Intrinio Data Feeds	\$10,300.00
ZACKS_BUNDLES_ENTERPRISE_MONTH_10300	
Balance due	\$10,300.00

We accept the following payment options:

ACH, Credit Card & Wire

Make all checks payable to: Intrinio, Inc.

If wiring please follow the instructions below:

BENEFICIARY: Intrinio, Inc.

ROUTING #: 122238200

ACCOUNT #: [REDACTED] 0717

BANK NAME: PacWest Bank

BANK ADDRESS:

5900 LA PLACE COURT SUITE 200

CARLSBAD, CA

.....
Thank you for using Intrinio!

 Pay invoice

Intrinio, Inc.

From: Lucas Asher
Sent: Tuesday, May 5, 2020 11:16 AM CDT
To: Intrinio
CC: chris@retirementinsider.com; simon@towerequity.com; Konstantin Yurchenko; ap@intrinio.com; [REDACTED]@intrinio.com; Megan Dias
Subject: Re: Reminder: Your invoice from Intrinio #74D42357-0002 is 8 days past due

Team,

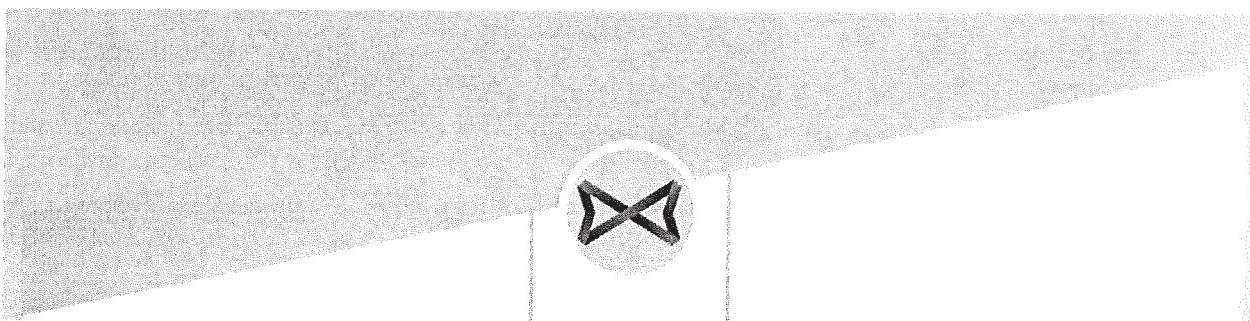
Your address is not on your invoice?

'Banks require an address for us to send this inbound wire. Please provide ASAP so we can fulfill the request.

Thank you,

Lucas

On Sat, May 2, 2020 at 9:45 AM Intrinio
<invoice+statements+LaoRhnN7AaCQ5TlJ71Ga@stripe.com> wrote:



Invoice from Intrinio

Invoice #74D42357-0002

AMOUNT	DATE DUE	BILLED TO
DUE	Apr 25,	Simon Batashvili
\$10,300.00	2020	300 New Jersey Avenue NW
		Suite 900
		Washington, District of Columbia 20001
		United States

Pay this invoice

SUMMARY

APR 15, 2020 – MAY 15, 2020

ZACKS_BUNDLES_ENTERPRISE_MONTH_10300 × 1 \$10,300.00

Amount due \$10,300.00

PAY \$10,300.00 WITH ACH OR WIRE TRANSFER

Bank name WELLS FARGO BANK, N.A.

Routing number 121000248

Account number [REDACTED] 8031

SWIFT code WFBIUS6S

If you have any questions, contact Intrinio at billing@intrinio.com or call at +1 727-310-0609.

Download as PDF

Something wrong with the email? [View it in your browser](#).

You're receiving this email because you made a purchase at Intrinio, which partners with Stripe to provide invoicing and payment processing.

--

Lucas Asher

CEO

M: 310-866-6213

A: 8383 Wilshire Blvd #700

Beverly Hills, CA 90211

W: TowerTrade.com

E: Asher@TowerTrade.com

Telegram: <https://t.me/lameons>

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Attachment R



NASDAQ Congratulates Portfolio Insider: Among The Fastest Growing Fintechs In The U.S.

Portfolio Insider leverages new language models for deep learning AI.



On Thursday, August 11, 2021, NASDAQ's Times Square New York City LED screen displayed a congratulatory message to artificial intelligence-powered financial insights platform Portfolio Insider. (Photo: Business Wire)

August 19, 2021 06:00 AM Eastern Daylight Time

NEW YORK--(BUSINESS WIRE)--NASDAQ congratulated Portfolio Insider on the iconic MarketSite tower's LED electronic video display in Times Square as among the fastest-growing Fintech companies in America. The hyper growing financial analytics company has democratized access to valuable financial data, delivering nearly anyone the same level of investing insights enjoyed by institutions and hedge funds.

Record Growth This Year.

The pandemic spurred a flood of new retail investors into the stock market, making up nearly 34% of U.S. stocks according to the Federal Reserve. It created an unprecedented level of demand for financial insights. Portfolio Insider grew revenue by over 300% in only the first half of this year, hiring over 70 new staff to build out Blockchain Analytics and machine learning models for financial data. Senior analyst Christopher Koo said, "Accurate data underpins sound decision-making, and we see virtually no limit to the amount of demand for more powerful algorithms and tools to level the playing field."

AI Technology To "Make Investing Human."

Computer programmers used to strenuously translate their intentions into the language of machines. Now, leveraging the world's largest autoregressive language model, those machines are conversant with the language of humans. Portfolio Insider believes they can "make investing more human" by developing on one of the most powerful neural networks ever created. By applying artificial intelligence to areas like unstructured data in financial reports, heuristic search, and a

intuitive SQL-like query for fundamental financial data, it enables anyone to build their own Bloomberg terminal for free. Portfolio Insider Chief AI Officer Noah Mitsuhashi said, "Technology has reached the evolutionary speed where intense tasks just years or months ago are now trivial and basic. Technology is growing exponentially, shaping a future where technology becomes virtually indistinguishable from magic. We contribute to human progress by enabling a fair playing field for retail investors."

About The Company.

Portfolio Insider is a fintech analytics company powering the open finance revolution. They contribute to the Fintech landscape by democratizing access to the world's most valuable financial data and bring transparency to capital markets. Reaching millions of people each month, they provide on-chain market intelligence and real-time data services for institutional and retail stakeholders.

Contacts

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#Hashtags

#stocks #stockstobuy #stonks #machinelearning #investing #personalfinance
#dividend #ai #fintech #financialfreedom #defi #crypto

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Portfolio Insider

Contributor



Portfolio Insider is a fintech analytics company powering the open finance revolution. We contribute to human progress by democratizing access to the world's most valuable financial data and bring transparency to capital markets. Reaching millions of people each month, we provide on-chain market intelligence and real time data services for institutional and retail stakeholders.

Access Portfolio Insider's YouTube Page [here](#).

Exhibit B

DECLARATION OF ELIZABETH PLANER
PURSUANT TO 28 U.S.C. § 1746

I, Elizabeth Planer, hereby make the following declaration based upon my personal knowledge:

I. BACKGROUND

1. My name is Elizabeth Planer (hereinafter “Declarant”), Declarant is a POST-certified law enforcement officer in Alabama, and Declarant is a Special Agent with the Alabama Securities Commission (hereinafter “Commission”) in Montgomery, Alabama. Declarant has worked in this capacity for the Commission since November 1, 2017. Declarant has been a law enforcement officer for twenty-two years. Before becoming a Special Agent for the Commission, Declarant was a Probation and Parole Officer for the Alabama Board of Pardons and Paroles for eleven years. Before becoming a Probation and Parole Officer for the Alabama Board of Pardons and Paroles, Declarant was a Police Officer for the Montgomery Police Department for seven years. Declarant was an investigator for five years of that time, in which Declarant investigated violent crimes and property crimes, which included financial crimes. Declarant attended Auburn University Montgomery and graduated in 1999 with a Bachelor of Science in Justice and Public Safety.

2. Declarant’s responsibilities as a Special Agent include the

investigation of fraud involving broker dealers, the investigation of fraud involving investment advisers and investment adviser representatives, any type of fraud involving securities, and fraud that targets the elderly. While working for the Commission, Declarant has routinely analyzed and reviewed financial documents, including, but not limited to, bank records and investment account documents. Declarant has also reviewed and analyzed internet websites.

3. On May 4, 2021, Declarant began an investigation into possible investment adviser fraud and unregistered investment adviser representative conduct being committed by Lucas Asher (“Asher”) and Simon Batashvili (“Batashvili”) through a company named Portfolio Insider.

II. RECORDS REVIEWED

4. Declarant reviewed the following documents and websites in the preparation of this declaration:¹

- a. The declarations of Brandeis DeSimone, Gary Gochmal, and Jeremiah Wright;
- b. The deposition of Lucas Asher taken on November 5, 2020;

¹ The documents that I reviewed for the preparation of this Declaration are voluminous and therefore not all are attached; a number are summarized herein or listed. All documents can be made available for review upon request. Personal identifying information, such as account numbers and social-security numbers, have been redacted. All records we obtained via subpoena prior to September 2020 or were publicly available after September 2020.

- c. The deposition of Simon Batashvili taken November 4, 2020;
- d. The declarant's declaration filed with the complaint on September 22, 2020.²
- e. The California Secretary of State Website at <https://businesssearch.sos.ca.gov> for business entity information on Portfolio Insider, LLC and Retirement Insider, LLC;
- f. The Delaware Secretary of State Website at <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx> for business entity information on Portfolio Insider, LLC;
- g. <https://wyobiz.gov/Business/FilingSearch.aspx> for business entity information on Retirement Insider, LLC;
- h. Bank Records obtained from Bank of America for accounts in the name of TMTE Inc. DBA Metals.com, Simon Batashvili, and Fainche MacCarthy;
- i. Bank Records obtained from Capital One for accounts held in the name of Tower Equity, LLC, Simon Batashvili, and Lucas Asher.
- j. Records obtained from American Express for accounts held in the name of Chase Metals and Fainche MacCarthy;

² I incorporate by reference Docket Entry #12.

- k. Records obtained from PayPal, Inc. for the accounts of Lucas Asher and Simon Batashvili;
- l. The defendants' website at www.portfolioinsider.com;
- m. Records obtained from GoDaddy for the accounts associated with Lucas Asher, Simon Batashvili, and the purchase of the domains for barrickcapital.com, portfolioinsider.com, retirementinsider.com, towertrade.com, fintechterminal.com, and towerterminal.com.
- n. Records obtained from the Receiver.

III. SUMMARY

5. Defendants are operating a fraudulent scheme in which they claim to sell investment advisory services based on the real-time trade information of successful investors, both individual investors like Warren Buffett and institutional investors like Berkshire Hathaway, obtained from private exchanges called "dark pools". Declarant believes this is a fraudulent scheme based on documents reviewed, undercover phone calls with Portfolio Insider representatives, product demonstrations conducted by Portfolio Insider representatives, information emailed by Portfolio Insider representatives, and statements made by companies that provide access to trade data feeds-specifically Nasdaq and QUODD. Nasdaq and QUODD cannot provide Portfolio Insider with the identities of traders on open markets or dark pools.

6. This fraud was accomplished by the Defendants, or sales representatives working for the Defendants through Portfolio Insider (“Representatives”), contacting individuals who visited the Defendants’ website and requested a “demo.” Once contact was made with potential customers, a link was emailed to the potential customers and a sales pitch was conducted in which representatives stated they had direct access to the private trading details of institutional investors, banks, and hedge funds made on dark pool exchanges nanoseconds after the trades occur, otherwise described as real-time. The representatives claimed they were able to obtain this information through a paid partnership with Nasdaq.

7. The fraudulent sales pitch includes the purchase of investment advice and investment advisory services; specifically, sending daily or weekly recommendations of stocks to customers for those customers to purchase. These recommendations were identified at different times by a representative as “stock picks,” “picks,” “alerts,” or daily “winners”. At one point, the stock picks were pitched as never missing. At other times the stock picks were given an accuracy rate of 94.65% or even an accuracy rate of 100%. Portfolio Insider also provides customers access to an online dashboard that may also show buy and sell recommendations. This dashboard can be customized to each investor’s interests. Portfolio Insider made claims that their recommendations are based on the ability

to view the real-time private trades of individual and institutional investors, banks, and hedge funds over private exchanges called dark pools through a partnership with Nasdaq that are not otherwise available to retail investors in real-time. Finally, Portfolio Insider claims that investors can call Portfolio Insider after receiving the securities recommendations for help with what they should do with the recommendations. Specifically, if an investor called asking what Portfolio Insider thought about a recommended stock or what Portfolio Insider thought an investor should do as to a recommended stock, Portfolio Insider would help that investor.

**PURCHASE OF PORTFOLIO INSIDER DOMAIN BY BATASHVILI AND
ASHER**

8. According to the records reviewed, this fraudulent scheme began in or around September 2018 with the purchase of the domain retirementinsider.com from GoDaddy as outlined below.

9. On October 10, 2018, Retirement Insider, LLC was incorporated as a Wyoming Limited Liability Company. The name Retirement Insider was changed to Portfolio Insider at a later date. On October 27, 2020, Portfolio Insider, LLC was incorporated as a Delaware Limited Liability Company.

10. Declarant received evidence from GoDaddy via a subpoena on September 1, 2020 and determined that the domain for Portfolio Insider was

purchased by Batashvili before this action against the defendants was initiated.

11. According to a GoDaddy Legal Receipt for Shopper ID 197816793, the website www.portfolioinsider.com was purchased by Batashvili and Asher on July 18, 2020, with Batashvili listed as the contact for “Shipping Information,” and Asher listed as the contact for “Billing Information.” Both Asher and Batashvili are listed with the same address, phone number and email address: 8383 Wilshire Boulevard, Beverly Hills, CA 90211, a phone number ending in 8765, Asher@Famelab.com. This address is the same address that was used by TMTE, Metals.com, and Barrick Capital. This purchase was more than 2 months before this action was filed and more than 3 months before Portfolio Insider was incorporated in Delaware. (Attachment A)

12. The shopper information provided by GoDaddy for Shopper ID 197816793 lists only Batashvili as the identified party affiliated with that ID number. The address, phone number, and email address are identical to the information given on the Legal Receipt for the purchase of the domain www.portfolioinsider.com. (Attachment B)

13. Other domains purchased under Shopper ID 197816793 include retirementinsider.com, towertrade.com, fintechterminal.com and towerterminal.com. (Attachment C)

14. According to a GoDaddy Legal Receipt, Shopper ID 1978167493

purchased the domain retirementinsider.com on September 21, 2018. The only information provided for shipping is the email address Asher@famelab.com, and the billing information lists Batashvili with the address, 8383 Wilshire Blvd, Suite 412, Beverly Hills, CA 90211, phone number ending in 8765 and email address Asher@famelab.com as the responsible party. The payment was made using an American Express card ending in 49022. (Attachment D)

15. According to a GoDaddy Legal Receipt, Shopper ID 197816793 purchased Ultimate Domain Protection and Security Upgrade for the domain retirementinsider.com on February 22, 2020 using an American Express card ending in 41029. (Attachment E)

16. According to a GoDaddy Legal Receipt, Shopper ID 19781673 renewed the domain retirementinsider.com on April 28, 2020. The responsible party for billing and shipping was Batashvili. Payment reflects Batashvili used a Visa card ending in 88813 to make the purchase. (Attachment F)

17. The domain towertrade.com was purchased from GoDaddy under shopper ID 197816973 on December 13, 2018. Both Shipping and Billing information reflect Batashvili as the responsible party. The address listed is 8383 Wilshire Boulevard, Suite 700, Beverly Hills, CA 90211, phone number ending in 8765 and email asher@famelab.com. Payment information on the receipt reflects that Batashvili used an American Express credit card ending in 41029.

(Attachment G)

18. According to a GoDaddy Legal Receipt, the domain towertrade.com was purchased from GoDaddy under shopper ID 134981181 on June 6, 2019. The responsible party listed for both shipping and billing was “L A” with the address, 2950 31st Street, Santa Monica, CA 90405, phone number ending in 8765, and email asher@famelab.com. Payment information on the receipt reflects that Asher used an American Express credit card ending in 41029.(Attachment H)

19. The address, 2950 31st Street, Santa Monica, CA 90405 is an office space. This address was used by Asher as his address for his PayPal account ending in 6084. This account was also associated with Prometheus Labs Corp., an entity disclosed by Asher in his November 5, 2020 deposition.

20. According to a GoDaddy Legal Receipt, the domain towertrade.com was renewed under shopper ID 31291669 on September 20, 2019. The responsible party for both Shipping and Billing information was Asher with address, 8383 Wilshire Boulevard, Beverly Hills, CA 90211, phone number ending in 6213, and email address asher@famelab.com. Payment information on this receipt reflects that Asher used PayPal for this purchase. (Attachment I)

21. According to GoDaddy, the Shopper Info for Shopper ID 31291669 reflects only Asher as the identified party affiliated with that ID number. The address, phone number, and email address are identical to the information given on

the Legal Receipt for the renewal of the domain towertrade.com. (Attachment J)

22. Other domains purchased under the Shopper ID 31291669 include barrickcapital.com. (Attachment K)

PAYMENT METHODS USED TO PURCHASE DOMAIN NAMES

ASSOCIATED WITH BATASHVILI AND ASHER

23. Regarding the American Express cards ending in 49022 and 41029 referenced above, the Declarant received evidence in response to a subpoena from American Express on July 8, 2020.

24. The information provided by American Express reflects that during the month of September 2018, four Business Platinum Cards were issued on an account held in the names Chase Metals and Fainche J. MacCarthy (“MacCarthy”). The primary card, with the last five numbers 41003, was issued to MacCarthy, who is known to be Batashvili’s wife. The second card, ending in 44015 was issued to Batashvili, the third, ending in 49022 was issued to Asher, and the fourth, ending in 41052, was issued to Samara Mills (“Mills”). (Attachment L)

25. Mills was an employee/office manager/executive team member in the personnel department for Metals.com, Barrick Capital, and Tower Equity.

26. The American Express statement issued on October 16, 2018 reflects a purchase of \$1,482.16 by Asher using card 49022. (Attachment M)

27. Beginning in October 2018, Asher’s American Express Card was

reissued and changed to the card ending in 41029. (Attachment N)

28. The American Express statement issued on December 16, 2018 reflects a purchase of \$69.99 to GoDaddy on December 16, 2018 by Asher using the card ending in 41029. (Attachment O)

29. American Express records further indicate that two payments were made on this account with primary card, 41003, for the month of December 2019: one on December 17, 2019 and the second on December 27, 2019. Both payments were issued from the Bank of America account held in the name TMTE Inc. DBA Metals.com, ending in 4024. Batashvili and MacCarthy held signing authority for that account for the relevant period. (Attachment P)

30. Regarding the renewal of the domain retirementinsider.com with card number 88813 referenced above, the Declarant received evidence on April 24, 2020 in response to a subpoena issued to Capital One.

31. The information provided by Capital One reflects that during the month of April 2020, two Spark Business cards were issued on an account held in the names of Simon Batashvili and Tower Equity, LLC. The primary card, ending in 24040, was issued to Batashvili, and the second card, ending in 88813 was issued to Asher. (Attachment Q)

32. Regarding the purchase of towertrade.com via PayPal by Shopper ID 31291669 referenced above, the Declarant received evidence in response to a

subpoena issued to PayPal on April 7, 2020 for all accounts held by Asher and/or Batashvili.

33. According to the transaction log for PayPal account ending in 5701, held in the name of Lucas Asher and associated with the emails marketing@metals.com, corporate@metals.com, and corporate@chase metals.com, a payment of \$526.91 was sent from this PayPal account to GoDaddy at 2:53:10 pm on September 20, 2019. (Attachment R)³

34. According to the GoDaddy Legal receipt, the charge for the purchase of the domain towertrade.com was \$526.91 with a payment date and time stamp of September 20, 2019 at 2:53:11 PM. (Attachment S)

PORTFOLIO INSIDER SALES PITCH AND OFFERING

35. On or about May 4, 2021, Declarant requested assistance from two special agents of the Alabama Securities Commission to perform undercover calls with Portfolio Insider. The purpose of these calls was to determine whether the sales pitch given by Portfolio Insider, its partners, officers, or directors, Batashvili and Asher, and its representatives constituted investment advice or investment advisory services, and as a result if Asher and Batashvili were acting as

³ Attachment R is limited to the documents establishing that account 5701 was held in Asher's name. The information provided by PayPal establishing the \$526.91 charge is extensive and not easily isolated. That information can be made available for review.

unregistered investment adviser representatives and Portfolio Insider as an unregistered investment adviser. Ultimately, a third special agent from the Alabama Securities Commission conducted an undercover call as well.

36. The agents conducted multiple undercover phone calls over a three-and-a-half-month timeframe that resulted in representatives of Portfolio Insider providing multiple product demonstrations of the service Portfolio Insider provides. These were recorded.

37. Declarant was present and observed all phone calls, webinars and demonstrations between Portfolio Insider representatives and the undercover agents.

CALLS BY SPECIAL AGENT 1

38. On or about May 4, 2021, Declarant assisted Agent 1 in creating an undercover email and undercover phone number. Agent 1 then requested a demo on Portfolio Insider’s website by providing Portfolio Insider a name, email address, and phone number. Agent 1 was then contacted by a subject identifying himself as Evan Roberts (“Roberts”), a chief technical analyst for Portfolio Insider.

39. Agent 1 told Roberts he was a resident of Mississippi.

40. Roberts then asked Agent 1 how he liked to trade so that Roberts could give the correct presentation tailored to Agent 1’s personal preferences, i.e., stocks, ETFs, mutual funds, or options.

41. Roberts told Agent 1 he was emailing a link to the demo. The link would allow Roberts to share his screen with Agent 1 via Screenleap. Screenleap allows users to share their browser instantly with built-in collaboration tools.

42. While waiting for Agent 1 to receive the link to the online demonstration Roberts emailed, Roberts asked Agent 1 if he heard about Portfolio Insider through Nasdaq. Agent 1 told him he had not but, that he read an article on Global News Wire about Phillip Laffont.

43. Roberts told Agent 1 that Portfolio Insider tracks over two thousand hedge fund managers and institutional investors and relays that information to their clients in real-time. Roberts stated, “what we do is we basically aggregate about \$6-10 million worth of data and we actively track it’s a little over 2000 banks hedge fund managers and institutional investors to see what they are buying and selling. So, we are just giving our clients a huge leg up when it gets um when it comes to getting speed of information.”

44. Roberts expanded on this by saying, “So, we are just getting people information first. When you boil the stock market down to its essence, it’s pretty much is who’s going to get information first because whoever gets the information first buys at the lowest, sells at the highest, and moves on with their life. But, um, that’s why we check all the institutional investors because you know you and I are probably never going to be a day in our life that Bill Gates gives us a call and says,

“What’s the move today, gentlemen?” So, what we are going to do is we are going to track them in real-time and hang on to their coat tails and we are going to follow them by the nanosecond.”

45. Roberts stated that these institutional investors trade privately in markets called dark pools, but Portfolio Insider is able to gain access to that trading information through licensing fees they pay to Nasdaq. It is through their partnership with Nasdaq that allows Portfolio Insider to track the private networks that the general public cannot access.

46. Roberts made it clear that everything Portfolio Insider does is in partnership with Nasdaq and that Portfolio Insider is powered by Nasdaq. Furthermore, Nasdaq relies on Portfolio Insider for analysis on cryptocurrency and blockchain technology.

47. Once Agent 1 acknowledged receipt of the demo link described in paragraph 41, Roberts explained signing into an account on Portfolio Insider is like signing into an account with a brokerage firm, except Agent 1 would not execute trades on Portfolio Insider’s platform. Instead, Portfolio Insider provides early access to information, as well as stock recommendations for the client to then rely upon when executing trades on the client’s preferred trading platform. The information provided by Portfolio Insider is designed to increase the client’s returns.

48. Roberts then showed Agent 1 the holdings for Phillip Laffont's portfolio, and stated the information shown on the screen is all of Laffont's holdings in real-time.

49. Roberts showed an example of a stock for Sunrun held in Laffont's portfolio and stated that Portfolio Insider issued their clients an alert for that stock when the trading price was significantly lower at the time Laffont and approximately 850 other institutional investors were purchasing Sunrun stock; however, publications like Motley Fool reported the information about Sunrun six months later when the data was no longer relevant. Roberts stated this was because publications don't have access to real-time private trades on the dark pool like Portfolio Insider does.

50. Roberts explained to Agent 1 that regular people, like Agent 1 and Roberts himself, trade on public exchanges, and Nasdaq is a public exchange. However, institutional investors trade on the dark pool, which is an alternate trading system that occurs behind closed doors. That way, when institutional investors like Warren Buffett sells all his stock in a company, there is not an adverse price reaction and the general public won't assume the company whose stock was sold is about to crash. The downside to preventing the general public from having this information is that regular investors are at a disadvantage as to the timing of these trades, causing the regular investor to lose out on potential returns.

51. Roberts told Agent 1 that through their partnership with Nasdaq, Portfolio Insider has access to these private trades at the time they occur and can pass this information on to their clients in the form of alerts so Portfolio Insider's clients can make their decisions based on what institutional investors are trading in real-time.

52. Roberts gave Agent 1 an example using Moderna stock. Roberts stated that institutional investors knew in October 2020 that Moderna's Covid-19 vaccine had a 90-95 percent effectiveness rate; however, the general public did not see that information on the news until December 2020. Roberts then showed Agent 1 a graph in the online demonstration of Moderna's stock prices rising and falling, and stated that in October, when Moderna's stock was low, several institutional investors such as Jim Simons, Ron Baron, and Kenneth Griffin all purchased millions of dollars' worth of stock each. Portfolio Insider was able to see those private trades in real-time. Additionally, Portfolio Insider sent that information on those trades to their clients via email on October 23, 2020 along with information on the company and more "analytics." Therefore, Portfolio Insider was able to recommend the purchase of Moderna stock to their clients about 50 days before the general public was aware of the vaccine effectiveness and the institutional trades.

53. According to the graph Roberts showed Agent 1, Portfolio Insider's clients were able to purchase Moderna stock at \$70 in October 2020. Had

Portfolio Insider's clients purchased Moderna in December, they would have paid \$160. Roberts told Agent 1 that, as a result, Portfolio Insider's clients made over 100% on their return.

54. Roberts told Agent 1 that Portfolio Insider has a success rate of 90% over the last five years, and 96% for 2020 because of their proprietary computer programs that track the trades of several institutional investors where \$50 million or more is moved over a 72-hour period. When their computer programs pick up on trades that fall within those parameters, Portfolio Insider will alert their clients. For example: If Jim Simons buys \$800 million of a company's stock, and Kenneth Griffin follows with a purchase of \$500 million, Portfolio Insider will take notice and share that information immediately, thus allowing their clients to capitalize on that information.

55. Roberts told Agent 1 that due to the trend in electric vehicles, in November 2020, Portfolio Insider recommended stock in a company called MP Materials, because that company was purchasing the rare earth metals needed to make electric car batteries. Roberts further stated that Portfolio Insider was able to identify that particular company because at least five institutional investors purchased millions of dollars' worth of stock in that company within a three-day period in November 2020.

56. Roberts showed Agent 1 a graph that Roberts claimed correlated to

the value of stock in MP Materials over time, and which also reflected that Portfolio Insider clients who acted on the recommendation to buy were able to purchase MP Materials stock at \$14.95. Regular investors who did not have access to Portfolio Insider's real-time data did not get this information until December 17, 2020 when MP Materials' stock was trading at \$33. Robert's point was that the Portfolio Insider clients increased their returns at a rate of over 150%.

57. Roberts told Agent 1 that Portfolio Insider is not the only company that tracks dark pool data, just the only company that provides it to average retail investors.

58. Roberts told Agent 1 that banks and hedge fund managers track dark pool data using the Bloomberg Terminal, but the cost per year, \$24,000, is not affordable to the average investor. Additionally, the data provided though the Bloomberg Terminal needs to be sorted and analyzed. Unlike the Bloomberg Terminal, Portfolio Insider analyzes the data for their clients.

59. Roberts showed Agent 1 a "mutual funds tab" on the demo where they track "thousands of mutual funds holdings," including close-ended mutual funds not available to the retail public.

60. Roberts described close-ended mutual funds as "intellectual property" and gave an example of the BlackRock Science and Technology Trust which Roberts stated was a mutual fund managed by BlackRock Bank and has a return

over 100% in 2020. Roberts that this was something Agent 1 was “going to want to know what [BlackRock is] holding.”

61. According to Roberts, Portfolio Insider has access to all of BlackRock Science and Technology Trust’s holdings in addition to all 500 close-ended mutual funds, and thousands of open-ended mutual funds. This access is part of Portfolio Insider’s \$6-10-million-dollar licensing fee. Roberts did not tell Agent 1 who this fee is paid to. Roberts stated that retail investors and the general public do not have access to the holdings inside mutual funds.

62. Roberts told Agent 1 that Portfolio Insider charges their clients \$9,995 annually, and they have over 70,000 clients, with approximately 13,000 financial advisors who use their service. Roberts told Agent 1 that because he watched the demo, he is entitled to the promotional rate of \$4,995 with a 6-month money-back guarantee. This price includes access to Portfolio Insider’s “Success Team” six days a week.

63. Roberts told Agent 1 that, once he subscribed, the Success Team would walk him through the Portfolio Insider platform to make sure Portfolio Insider was catering the platform to how Agent 1 likes to trade. According to Roberts, each client’s individual wall, or dashboard, could be customized to that client’s trading interests.

64. Roberts told Agent 1 that the Success Team is made up of individuals

who are very knowledgeable and understand the market; however, they are not advisers, brokers, or fiduciaries.

65. After the demo with Roberts, Agent 1 spoke to him twice more.

66. The second call between Roberts and Agent 1 occurred on May 5, 2021, in which Roberts tried to complete the deal and Agent 1 posed questions or concerns. During this call, Agent 1 asked about futures trading, and Roberts answered by saying Portfolio Insider does not do futures trading, but then referenced a stock pick Portfolio Insider recommended in a lumber company that was doing well due to the price of lumber spiking.

67. Roberts reiterated that Portfolio Insider was a “real-time financial data thing,” and that Portfolio Insider was direct partners with Nasdaq with a high-level relationship.

68. The third call between Roberts and Agent 1 occurred on May 6, 2021, during which Roberts tried to complete the deal and Agent 1 posed more questions or concerns. During this call, Roberts re-stated that the data is from dark pools and is real-time. To get the information publicly would result in a delay of a month or more or require Agent 1 to pay what Portfolio Insider pays in the \$10 to \$14 million range.

69. During this third call with Roberts, Roberts referenced a large trade in which Warren Buffett purchased \$550 million of Barrick Mining in a dark pool

transaction. Roberts emphasized that the transaction was not reported publicly for six months, by which time Buffett had already sold his position. Roberts explained that dark pool trade volume is not observable on the public markets. Bloomberg Terminal and Portfolio Insider are the only two companies in the world with this level of information based on the relationship with Nasdaq. Portfolio Insider serves this real-time, nanosecond information from 2000 banks, hedge funds, and multi-billionaires to investors on a “silver platter.”

70. On June 11, 2021, Agent 1 received an email sent from gus@portfolioinsider.com to his undercover email address that stated in the subject line “Dark pool recommendation daily winners” and the body of the email stated “Happy Friday Rick! Have you been watching how bullish the market has been recently? Here are some daily opportunities you likely have missed on for the day. I know you are very busy but, lets try and connect soon to get you winning more consistently in the stock market.” The email then goes on to identify four stocks that have increased in value as of 11:52 AM PST on June 11, 2021 with graphs depicting their performance. The email is signed “Portfolio Insider Client Support (866) 980-2909 support@portfolioinsider.com”.⁴ (Attachment T)

71. On June 14, 2021, Agent 1 received an email sent from

⁴ All quoted language is relayed exactly as it appears in the emails.

gus@portfolioinsider.com to his undercover email address with the subject line “Dark Blueprint Daily Winners” and the body of the email stated “Mondays are the start of the work week which offer new beginnings 52 times a year Rick! Another bullish Monday is being set up today! How has the stock market treated you over this last week. I hope you were able to take advantage of all the exciting things happening of the market as of late. Here is some screenshots of some recommendations you likely missed today! Lets try and connect soon, so you can take advantage of these winners every day”. The email then goes on to identify four stock picks that have increased in value as of 12:03 PM PST on June 12, 2021 with graphs depicting their performance. The email is signed “All the best, Gus Portfolio Insider Client Support (866) 980-2909 support@portfolioinsider.com”.

(Attachment U)

72. On August 31, 2021 Agent 1 received an email from Portfolio Insider agent, Darren Woodward (“Woodward”), regarding Agent 1’s “desire to get a competitive edge in the Stock Market by getting access to institutional order flow.” Woodward stated in the email that “[w]e track over 1500 of the largest Hedge Funds and Institutional Lenders with our proprietary software that includes all activity in the Dark Pool.” Woodward provided links to a screen recording of a portion of a demonstration, a review of Portfolio Insider on Benzinga, and an Investopedia article explaining dark pools. Woodward then invited Agent 1 to

view the daily webinar via the link <https://bit.ly/DarkWatch>. (Attachment V)

73. On September 1, 2021, declarant opened all the links in the email to capture the content via screen recordings and screen shots and preserved them.

74. In the link for the webinar, a page of information provided a description of Portfolio Insider and how to be successful using their platform. The web page also described the webinar as a “live trading session... [t]ailored for both seasoned and novice traders or simply anyone who wants to see what’s really driving the market” and a “[m]asterclass”.

75. On the web page, Portfolio Insider stated, “Look Inside the Portfolios Of Legendary Hedge Fund Managers & Billionaires & Analyze Their Trades In Realtime.” Under that statement, Portfolio Insider displayed the photographs of Warren Buffett, Cathie Wood, Jim Simons, Ken Griffin, and Bill Gates. Declarant took a screenshot of the webpage on September 1, 2021. (Attachment W)

76. Under the photographs referenced in paragraph 75, Portfolio Insider stated, “We will show you the portfolios of these legendary investors and billionaires and teach you how to evaluate their holdings and follow their trades so you can profit directly from their advantages. In each LIVE session we will open the portfolios of these titans of Wall Street to show you: the performance of every stock, top performing stock, stock allocation and performance by sector, instant real-time trade alerts”.

77. On this webpage Portfolio Insider stated, “We will also give you an Action Plan that includes the latest stock picks based on our proven system.” (Attachment X)

78. With the declarant present, Agent 1 then enrolled in the live trading session to be given that morning.

79. Declarant observed the webinar conducted by Portfolio Insider representative, John Warren (“Warren”), was effectively another demonstration of the Portfolio Insider platform. At least 50 attendees logged in to this webinar. The content of the webinar centered around successful trades Warren had made using Portfolio Insider.

80. Warren stated that he was not a financial advisor. He stated his role at Portfolio Insider was as a Senior Analyst. He stated he was an experienced trader, had traded for a long time, and understood “charting” but he was not a rocket scientist, and considered himself to be an average retail investor just like the people he was speaking to on the webinar, with the one difference of having access to the Portfolio Insider platform, which was what makes him a good trader.

81. During the webinar, a chat was available for attendees to engage with Warren. Agent 1 engaged by saying hello, asking questions, and congratulating Warren on Portfolio Insider’s recognition by Nasdaq on their Times Square billboard.

82. The chat included a link to subscribe to Portfolio Insider and pay for the subscription. Warren congratulated the attendees who purchased the service during the webinar and stated he would contact them to provide log-in information after the webinar.

83. Warren stated that Nasdaq relies on Portfolio Insider for cryptocurrency data and Portfolio Insider provides “all the crypto analytics for Nasdaq”. Warren showed a tab for cryptocurrency that showed how to track Bitcoin and stated that in the following 90 days Portfolio Insider would roll out a program to track all the major cryptocurrency. (Attachment Y)

84. Warren stated that institutional investors could be followed in real-time. He referenced icons for institutional investors that could be seen on the webinar screen such as Ron Barron, Bill Gates, Jim Simons, and Ken Griffin. He then said you could click on any one of their images and “access their entire portfolio in real-time.”

85. Warren stated that to make money you should day trade like the institutional investors referenced above, and specifically Jim Simons, who Warren references as “one of the revolutionaries of the way the market is working now-a-days. You will not make any money if you are buying and holding. Buying and holding is dead. What you need to do is if you are buying and holding, continue to do that with some but take another piece of your portfolio and do some real trading

with it.”

86. Warren stated that, “The idea is the rest of 2021 is going to be the best financial year of your life. For a lot of people, if you join today, you still have the rest of the year to do it. You can beat your entire last year in the last months of this one. So, I’ve seen people do it already. I’ve seen people do it in a couple...in less than a month. Uh... Just by following these trades, following this information. It is real. I promise you the information is never wrong, but if you don’t have access to it, we can’t help you there. So, sign up, get access. I’m going to be helping you along the way. And you’re going to be getting the best information in the market from a team of people who want to win.” Warren then offered viewers the opportunity to contact him for a demonstration tailored to their own specific interests.

87. Warren also stated that this presentation, along with others would be available to Portfolio Insider subscribers under the “Vault” tab on their website. The Vault contains training and tutorial videos for subscribers to view at their convenience to learn how to trade and use the Portfolio Insider website.

88. Warren stated during the webinar, “[y]ou’re not just buying a product; you’re buying a team of people that are going to help you and show you every step of the way.” Later in the webinar, Warren supported that business philosophy by stating “I’m going to be helping you along the way, and you’re going to be getting

the best information in the market from a team of people who want to win.”

89. After the webinar, Agent 1 spoke with Warren that day.

90. Agent 1 told Warren that he was now living in Alabama, and the reason he failed to follow through with purchasing a subscription to Portfolio Insider in June was due to serious illness that resulted in a need to move from Mississippi to Alabama in order to reside with family.

91. During the call, Warren confirmed what Agent 1 was told by Roberts in his first call. Warren confirmed that through a subscription to Portfolio Insider, Agent 1 would be able to follow the trades of institutional investors such as Warren Buffett, Philippe Laffont, Cathie Wood in real-time by simply clicking on that person’s icon on the Portfolio Insider dashboard.

92. Warren also told Agent 1 that his alerts and watchlist could be customized according to his interests.

93. Warren stated that the success team was full of various experts available six days a week to assist Agent 1 in customizing his dashboard and answering questions. Additionally, the Vault of pre-recorded training videos and webinars would be available to him.

94. Warren recommended that Agent 1 open an account at TD Ameritrade to trade through because TD Ameritrade has excellent customer service.

95. Agent 1 asked Warren if the Success Team would help him with

recommendations sent by Portfolio Insider in its premarket alert emails. Warren confirmed that the Success Team would. The specific exchange was:

Agent 1: OK. Alright. And you said something about hot tips, I think, today or recommendations or whatever. What's...?

Warren: Oh yeah. You get emails sent to you premarket every day. Uh. That are going to be...they are going to have a little daily brief about the market and then some...they are going to have one, high conviction buy or sell and they explain what to do in the email. Say a strong buy or a strong sell. And they will explain more about the stock.

Agent 1: OK. So, um, so, my success team would help me with that, too?

Warren: Yeah.

Agent 1: Whether or not it's something that I should be putting my money into or whatever?

Warren: Yeah. Yeah. And when it comes out, you can always call in and talk to somebody where you can just say, "Hey, I got this email. Um. What do you think about this stock? What do you think I should do?" And they'll help you.

96. Warren told Agent 1 that Portfolio Insider is adding a feature to track institutional trading on cryptocurrency within the next 30 to 90 days.

97. Warren stated that trading in cryptocurrency is "similar to stock trading," but there are no options trading for cryptocurrency, and then went on to discuss cryptocurrency.

98. Warren's full quote regarding cryptocurrency was, "[y]eah. They

can...they can...they can explain to you...it's similar to stock trading. There's not options on crypto, so you would just buy... buy into the cryptocurrency at whatever amount and, um, they will just kind of tell you some exit strategies and, like I said, there is a whole...a whole new feature is going to be added on in the next 30 to 90 days that's, um, that's an entire crypto section where they are going to have all the cryptocurrencies where you can track the institutional trading on it, but those, in my personal opinion, they are great investments and people can day trade on them, but if you just put some money in there and just kind of let it go in Bitcoin or Ethereum, those are great investments opportunities. They are going to continue to go up for the rest of the year".

99. Warren stated that once a customer bought into the cryptocurrency, Portfolio Insider would provide exit strategies.

CALLS BY SPECIAL AGENT 2

100. On or about May 4, 2021, Agent 2 created an undercover email and undercover phone number. Agent 2 then requested a demo on Portfolio Insider's website by providing Portfolio Insider a name, email address, and phone number. A few hours later, Roberts called and left a voicemail to schedule a demo of Portfolio Insider's platform. A call was returned to Roberts and the demo was scheduled for May 5, 2021. During the call, Agent 2 told Roberts he was a resident of Georgia.

101. On or about May 5, 2021, Agent 2 conducted a phone call with Roberts and participated in a demo of Portfolio Insider's platform. During the call, Roberts boasted about Portfolio Insider being covered in articles on Yahoo Finance, Business Insider, Benzinga and Nasdaq.

102. Roberts then proceeded to explain to Agent 2 how the platform that Portfolio Insider offers unlocks the powers of the world's most valuable financial data which allows Portfolio Insider to actively track the private exchange network of institutional investors. Roberts continually stated throughout the call that everything Portfolio Insider does is in partnership with Nasdaq which empowers their platform and allows them to follow the private trades of about 2,000 banks, hedge fund managers, and multi-billionaires. While tracking this data in real-time, Portfolio Insider then alerts their clients through the platform of these trades so the clients can then conduct trades based on Portfolio Insiders data collection.

103. Roberts stated that "last year out of 305 of our stock picks, 202 of them yielded triple digit returns. So, 66% of them did over 100%. 96% of them total were successful. So, we only ended up having 13 losses out of the 305." Later in the conversation, Roberts stated for the previous five years Portfolio Insider had a 90% success rate.

104. Roberts claimed to have been working for Portfolio Insider for about three and a half years in Los Angeles. Roberts stated that, in college, he majored

in business finance and minored in communications.

105. Roberts then presented the demo via Screenleap that enabled a view of Roberts' computer screen. While Roberts presented the demo, he once again boasted that Portfolio Insider is unlocking the power of the world's most valuable financial data and is powered by NASDAQ. Everything they do was "in partnership with Nasdaq. Nasdaq empowers Wall Street." By providing access to data on the platform, customers get a huge competitive advantage in the marketplace.

106. Roberts claimed that Portfolio Insider was a direct contributor to Nasdaq. Roberts backed this up by directing Agent 2 to Nasdaq.com and looking at the top for Portfolio Insider. Roberts stated Nasdaq usually comes to Portfolio Insider in regard to explaining block chain technologies, cryptocurrencies, and "different things like that."

107. Roberts described the Portfolio Insider platform to Agent 2 as a cloud-based platform just like E*Trade but clients do not trade on the Portfolio Insider platform. Roberts stated the customer does all the trading through their broker of choice, and Portfolio Insider just provides the customer with all the real-time financial data to make those decisions and gives the customer access to the speed of information.

108. Roberts claimed the Portfolio Insider platform allows tracking of

trades ninety days to six months before the news covers them and tracks the trades of banks and hedge fund managers by monitoring the trades in the dark pools. Roberts stated the banks and hedge fund managers trade in dark pools off the regular market which does not give visibility to the amount of volume they are trading to the public market.

109. Roberts described the Portfolio Insider platform as pulling the curtain back and showing people what the institutions are trading in the thirteen dark pool exchanges, and as a result, will give the individual investor a competitive edge. Roberts stated the only other system that can do this is the Bloomberg Terminal, which costs \$24,000 a year.

110. Roberts gave Agent 2 examples of having the ability to monitor the trades of Warren Buffett, Bill Gates, Jim Simons, Renaissance Technologies, Chamath Palihapitiya, Louis Bacon, Kenneth Griffin, Steve Cohen, and Cathy Wood and then relay that data to the client via the platform immediately after the trades occur.

111. To highlight the available information, Roberts said, “we are getting information registered in nanosecond time. If Warren Buffett goes (tongue click) on a stock, we know instantaneously.”

112. As to Portfolio Insider’s success rate, Roberts claimed that, “305 stock picks we made last year, only 13 took a loss. So, we had 96% success rate last

year. We have been doing about 90% for about 5 years in a row. Um, there is really not a downside. It's not that the product is too good to be true, it just retail investors have never had access to real-time data before. So, it's just a different universe for them. So, we are not saying that every single pick we send you is going to be a gigantic win and you're going to make 100%, but you're definitely going to be doing a lot better getting privately-traded information from banks and hedge funds that control Wall Street as opposed to getting information 90 days too late. So, I'm not saying that every pick that we send out to you is going to go over 100% in 30 days, but last year there was 66% chance of it. So, we are just going to substantially increase your odds and we are going to get you information first and that way you'll be able to compete at a much higher level."

113. Roberts told Agent 2 that the retail investor would have to spend \$6-10 million annually for the same data Portfolio Insider provides its clients.

114. Roberts described Portfolio Insider's service as a platform running machine-learning algorithms and artificial intelligence programs that will send out alerts to the customers when institutional traders buy the same stock at the same time across all 13 dark pool exchanges. Roberts could not explain in detail who Portfolio Insider pays for the data. Roberts would only say Portfolio Insider pays licensing fees to Nasdaq and then vaguely described being involved in different partnerships and some investment research.

115. The platform also has a tab that monitors ETF's and mutual funds. The platform monitors ETF's and mutual funds for 72-hours prior to issuing alerts on what Roberts described as a silver platter. These alerts are delivered to subscribers of Portfolio Insider via email.

116. Roberts told Agent 2 that the Portfolio Insider platform gives access to the institutional holdings of a close-ended mutual fund by a bank called BlackRock and further claimed this information is intellectual property, but Portfolio Insider has access to it due to a fee paid to BlackRock.

117. Per Roberts, the cost of a subscription to Portfolio Insider was \$9,995 annually, but when a demo is provided, the cost is \$4,995 with a six-month money back guarantee. Roberts claimed to have over 70,000 current customers and about 13,000 of those were financial advisors. Most of the customers pay \$10,000 and have less than a 3% cancellation rate. Roberts then began attempting to get payment information for a credit card. When declining to pay, Roberts offered a one-time payment of \$4,995 with lifetime access and no annual fees or maintenance fees. Roberts stated the one payment would grant access to the platform for life.

118. Roberts told Agent 2 that a subscription entitled him to access and assistance from the "Success Team" twelve hours a day, five days a week. This assistance includes educating clients on how to use their platform to be more

efficient and profitable.

119. Roberts told Agent 2 that the subscription also includes the text and email alerts from data that Portfolio Insider monitors and compiles. Roberts gave the following example: Sonos announced their earnings in November. On November 18th, right before their earnings were announced, Portfolio Insider issued an alert to their clients, that just before the announcement billions of dollars were being traded in Sonos stock, thus allowing their customers to profit, based on that alert.

120. The call then ended without obtaining a subscription with the excuse of the Agent 2 having to check with their wife prior to making a payment that large on their credit card.

121. In or about May 7, 2021, Agent 2 conducted another phone call with Roberts to discuss purchasing the platform. Much of the conversation was repetitive with Roberts stating the same sales pitch from the conversation that occurred on May 5, 2021.

122. The conversation began by talking about the platform's capability of tracking cryptocurrencies. Roberts stated the platform was 'currently tracking Bitcoin at a very high rate" and would be adding several more cryptocurrencies.

123. Roberts stated that Portfolio Insider releases cryptocurrency charts and cryptocurrency tracking on their platform in real-time. Roberts gave the

example, “[s]o right now, for bitcoin, we track the active buys and trades of it in real-time, so that way you can see and stabilize, and you can see what they buy and sell.”

124. Roberts stated that many investors are ignoring investing or trading in cryptocurrency, which he claims, “doesn’t make any sense because it’s massive.” Roberts went on to state that Portfolio Insider “could have a majority of charts and trades that are happening in real-time... So not only are we capitalizing on the New York Stock Exchange by following institutional investors, we are going to be completely taking over the cryptocurrency market and adding that on too, because you have to have both of them.”

125. Roberts told Agent 2 that in regard to cryptocurrency, the platform is adding “real chain analytics so it will tell you when to buy and when to sell if you wanted to day trade and you wanted to make your quick 20% because it’s... it’s... it’s stable, but still volatile, you know what I mean?”

126. Roberts described the bitcoin tab on the Portfolio Insider platform to Agent 2 and stated there is a chart that is active, and customers can see all the transactions that happen for bitcoin, because “every single buy and sell for bitcoin gets registered.”

127. Roberts also stated that once the cryptocurrency portion of the platform is fully operational, Portfolio Insider will send out cryptocurrency alerts.

Roberts believes that will “happen in a couple of weeks.”

128. Throughout the conversation, Roberts boasted about how Portfolio Insider is partnered with Nasdaq and there are articles about it on Business Insider, Yahoo Finance, and Benzinga.

129. Roberts stated the CEO of Portfolio Insider is Carlos Cruz and there is also a former head of Verizon performing analytics for Portfolio Insider. He also named another person who was allegedly a former employee of Google’s artificial intelligence program. Roberts was unable to remember anybody else’s name and stated there were 150 employees and he would have to text them to the Agent 2. Agent 2 never received a text with any other employees’ names from Portfolio Insider.

130. While negotiating the price, Roberts offered a military discount and stated the price would then be \$4,000 due to the Agent 2 meeting that criteria. Roberts never requested any proof of military service. Then, Agent 2 asked Roberts to ask his supervisor for a cheaper price on the product and Roberts stated he would need to place the Agent 2 on a brief hold to go talk to his VP named Sam Simon (“Simon”). Roberts told Agent 2 that Simon approved Agent 2 to purchase the platform with an annual fee of \$2995. Agent 2 then countered one more time and Roberts told Agent 2 that Simon said Agent 2 could purchase the platform with lifetime access for \$3495. After agreeing on the price, Roberts emailed Agent

2 wire transfer instructions for payment.

131. On June 11, 2021, Agent 2 received an email sent from gus@portfolioinsider.com to his undercover email address with the subject line “Dark pool recommendation daily winners.” The body of the email stated “Happy FridayRodney! Have you been watching how bullish the market has been recently?Here are some daily opportunities you likely have missed on for the day. I know you are very busy but, lets try and connect soon to get you winning more consistently in the stock market.” The email then goes on to identify four stocks that have increased in value as of 11:52 AM PST on June 11, 2021 with graphs depicting their performance. The email is signed “Portfolio Insider Client Support (866) 980-2909 support@portfolioinsider.com”. (Attachment Z)

132. The email contained a disclaimer that states “All investment strategies and investments involve risk of loss. Portfolio Insider is not a licensed securities dealer, broker, US investment adviser, or investment bank. Information contained within this email should not be construed as legal, accounting, tax or investment advice. Any reference to an investment’s past or potential performance is not, and should not be construed as, a recommendation or as a guarantee of any specific outcome or profit.”

133. On or about August 19, 2021, Agent 2 created a new undercover email and undercover phone number. Agent 2 then called a phone number listed

on Portfolio Insider's website and requested more information. During the call, he stated he was in Alabama at the time. An individual named Adam, last name unknown, answered and asked for Agent 2's name and phone number and stated someone would be returning the call shortly. A few hours later, Gus Johnson ("Johnson") called and stated he heard Agent 2 was interested in wanting to know more information. Agent 2 could not speak at the moment and Johnson asked to email some documents for Agent 2 to review prior to a scheduled call that was going to take place in about an hour. Johnson then sent two emails to Agent 2 that provided information about the platform.

134. An hour later, Johnson called Agent 2 and gave Agent 2 a sales pitch. Johnson told Agent 2 that Portfolio Insider is based in Beverly Hills with a second office in Chicago.

135. Agent 2 informed Johnson that he was interested in cryptocurrency trading. In response, Johnson stated the crypto algorithm has not been developed yet for the platform, but Portfolio Insider had already spent \$400,000 on the crypto algorithm. Johnson further stated the product should be coming out in approximately ninety days.

136. Johnson then described the company as being a direct Nasdaq partner that aggregates about 14.5 million dollars' worth of real-time data from Nasdaq by using artificial intelligence and machine money algorithms that the high frequency

trading firms on Wall Street use to comprehensively scan data. Johnson stated they have been doing this for the last five and a half years and have established a 94.65% success rate in the stock market. Their biggest value was the ability to monitor the dark pool transactions. The Portfolio Insider platform was described as a cloud-based platform that would allow the customer access to the private trading data of institutional investors on the dark pools sooner than the retail public.

137. Johnson told Agent 2 that according to Nasdaq, 65% of daily trades happen in the dark pools and that institutional investors are not required to report their private dark pool trades until the end of each quarter. According to Johnson, this puts the retail investor at a disadvantage because the average non-institutional investor only gets to see one third of what is happening in the stock market in real-time, and the stock market newsletters report the positions taken by hedge funds thirty to ninety days after the trade; however, through its partnership with Nasdaq, Portfolio Insider is able to track the trades in real-time. This allows them to make daily recommendations to their clients that result in a double or triple-digit return every day.

138. Johnson stated when Portfolio Insider's clients log in at the beginning of the day, the client would see the top sixteen winners of the dark pool for the day and the customer could then buy the one they like.

139. Johnson stated there were multiple classes that customers can take while on the platform such as novice, advanced, and options trading.

140. Johnson told Agent 2 that their lead analyst is a former Wall Street broker. Portfolio Insider offers livestreaming sessions with him to learn how to trade using data provided by Portfolio Insider's platform.

141. Johnson stated the principal person behind Portfolio Insider is Carlos Cruz, who allegedly has a background in artificial intelligence and connections in the Silicon Valley area.

142. Johnson gave an example of a customer that he signed on a week and a half previously who had a portfolio valued at \$14,000. On the first day using the platform, the customer made \$4,000 and made \$23,000 with Macy's on the day Agent 2 was speaking with Johnson. Johnson then stated the program works and Portfolio Insider is partnered with Nasdaq.

143. According to Johnson, Portfolio Insider has about 93,000 subscribers and had not had a loser in the last sixteen days.

144. Johnson told Agent 2 about the promotional price of \$4,995 for access to Portfolio Insider's data feed and stock picks. This was half off the regular price and came with a money-back guarantee. Payment could be made in the form of crypto, credit card, or wire transfer.

145. Johnson transferred Agent 2 to an analyst named Kyle Douglas

(“Douglas”) that Johnson described as an “options specialist and platform specialist” for a demo of the platform.

146. Douglas sent Agent 2 an email with a link for Screenleap.

147. Douglas stated Portfolio Insider is not a brokerage house or advisory firm, but they are a billion-dollar fintech company that created a cloud-based platform to provide information on what stocks to buy or sell based on institutional data flow. Portfolio Insider has a Tier 1 data partnership with Nasdaq which allows them to follow institutional investors via dark pool data. Douglas told Agent 2 the stock market is rigged against the ordinary investor because of the lack of access to the data in the dark pools.

148. Douglas further stated institutional investors are successful because they trade in the dark pools which in return gives them a head start on trading in front of everyone else.

149. Douglas began to boast about Portfolio Insider’s recognition by Nasdaq, who displayed a massive advertisement on a thirty-foot billboard at Times Square.

150. Douglas explained how the platform utilizes sophisticated algorithms to scan data to identify the top sixteen companies being bought the most and the top sixteen companies being sold the most prior to the opening of each market day. The platform then provides that to the customer prior to the retail market opening.

151. Douglas stated Portfolio Insider never misses and has 100% accuracy. When questioned about the accuracy of never missing, Douglas repeated his statement and stated Portfolio Insider never misses because they look at what was already traded nanoseconds after the trade. Douglas then began to show how the graphics work on the platform and how the graphics show when it is time to buy or sell based on market volume. Douglas referred to these as one-day to two-week trades.

152. Douglas referred Agent 2 to a tab that stated, “strong long buys” and described those as stocks that should be held for 90 days to a year. Furthermore, these stocks will make the customer roughly 20% - 40% in a year, 86% of the time.

153. Douglas then boasted to Agent 2 about Nasdaq’s recognition of Portfolio Insider and Benzinga’s five-star rating and their review of Portfolio Insider. Benzinga’s article identified FactSet, the Bloomberg Terminal, and Refinitiv as Portfolio Insider’s primary competition; however, the article states that Portfolio Insider’s partnership with Nasdaq gives them the best nanosecond order flow tools in an easy-to-use interface that is better than their competition.

154. Douglas then explained to Agent 2 how much their competitors’ products cost: access to a Bloomberg Terminal is \$24,000 annually, Capital IQ is \$39,000 a year minimum, FactSet is \$12,000 annually, and Eikon/Reuters is \$22,000 annually.

155. Douglas stated that, in celebration of Nasdaq running a “massive” article and posting a billboard in Times Square, Portfolio Insider is offering their platform at a promotional price of \$5,000 for lifetime access; however, the offer was only good for that day. An agreement was then made to purchase the product via cryptocurrency and Douglas sent an email to Agent 2 that provided the wallet address to remit payment to. Agent 2 did not complete the purchase.

CALL BY SPECIAL AGENT 3

156. On August 31, 2021, the declarant created an undercover email address and phone number for Special Agent 3. The phone number used an Alabama area code.

157. On August 31, 2021, with the declarant present, Agent 3 called Portfolio Insider to request a demonstration. The Portfolio Insider representative who answered the phone did not identify himself. The representative asked how Agent 3 heard about Portfolio Insider. Agent 3 stated he read the Nasdaq article on Business Insider.

158. The Portfolio Insider representative then passed Agent 3 on to Lyle, last name unknown, who represented himself as the “President of Customer Service” for Portfolio Insider.

159. Lyle asked Agent 3 how he likes to trade to ensure that Portfolio Insider is the “right fit”. Agent 3 stated he preferred short-term buy and holds, and

he was interested in learning about investing in cryptocurrency. Lyle responded that based on this information, he believed that Portfolio Insider would be the right fit. Lyle then passed Agent 3 off to a senior analyst, John, to give a demonstration of the platform.

160. John asked how Agent 3 likes to trade and whether he likes to day trade or do options. Agent 3 stated he prefers short term buy and sell, but longer than a day. John referred to Agent 3's style of trading as "swing trading."

161. John told Agent 3 that hedge funds and institutional investors have been using private exchanges, called dark pools, since the late 1970's to protect stock prices. In the present time, two-thirds of trading occur on the dark pools.

162. John told Agent 3 that Michael Bloomberg was the first to monetize this information by developing the Bloomberg Terminal that provided real-time dark pool trades to hedge funds and institutional investors but was cost prohibitive for the average retail investor.

163. John stated that Portfolio Insider does the same thing as the Bloomberg Terminal, through their partnership with Nasdaq, but provides it to retail investors.

164. John told Agent 3 that in their partnership with Nasdaq, Portfolio Insider provides "data analytics for them and in return, we get access to this real-time private exchange data."

165. John stated that Portfolio Insider normally costs subscribers \$10,000 annually; however, due to a promotion in celebration of Nasdaq's recognition of Portfolio Insider on their Times Square billboard, the current price is \$4,995. Clients of Portfolio Insider "make money hand-over-fist" and that the platform pays for itself immediately.

166. John told Agent 3 that Portfolio Insider has been partnered with Nasdaq for ten years; however, they have only sold their platform to retail investors for the past five years.

167. A subscription to Portfolio Insider would give access to the entire platform which includes their "alert system" by which they "send out swing trade alerts and strong buy alerts."

168. John then offered to arrange for a demonstration of the platform to Agent 3 but wanted to be sure that Agent 3 was in a financial position to be able to "take advantage" of the promotion and purchase the service immediately. John stated, "we don't want to talk to people who can't afford it or are not interested."

169. John then arranged for a Portfolio Insider Senior Analyst, identified as Dan, to give Agent 3 the demonstration. Agent 3 received a Screenleap link via email to the demonstration from Dan Isaac ("Isaac"). In the email, Isaac was titled Vice President of Operations.

170. Isaac began by asking Agent 3 what trading strategies have worked

well over the past year. Agent 3 told Isaac he prefers short-term buy and sell and that he has an interest in cryptocurrency.

171. Isaac informed Agent 3 that Portfolio Insider uses the same “application programming interface” as the Bloomberg Terminal, but the Bloomberg Terminal is intended for Wall Street while Portfolio Insider is intended for retail investors.

172. Isaac told Agent 3 that the Portfolio Insider platform can be used in two ways: stocks or options, but options are “more fun.”

173. Isaac described trading options as day trading and that they are averaging 50-80% returns. To get access to the Portfolio Insider platform and create this same success for himself, Isaac asked Agent 3 if he had a debit or credit card that could hold \$4995 and wanted to know if he could make the decision to purchase the platform without permission from someone else. Isaac did not consider it worth showing Agent 3 the demonstration until Agent 3 affirmed he would be able to purchase upon completion of the demonstration.

174. Isaac told Agent 3 that 80% of his success would come from his logging in to the Portfolio Insider platform daily just prior to the market opening. At that time, Agent 3 would be able to see his dashboard. His dashboard would show the “dark flow activity” for the day. At this time, Isaac logged in and showed Agent 3 his dashboard which was titled at the top of the screen, “Main

Dashboard.”.

175. Under the heading, “Main Dashboard”, there was a sub-heading titled “Trending Titans” with photographs of several well-known institutional investors, such as Cathie Wood, Warren Buffett, Bill Gates, George Soros, and several others. Beneath their photographs was the title “August 31st Dark Flow Activity”. Isaac pointed this out to Agent 3 and identified the companies that were listed.

176. Isaac stated those companies listed were on the dashboard all day since before the market opened.

177. The companies were shown in graph form with an indication of how the stock in those companies have performed throughout the day.

178. Isaac pointed out stock specifically for “ELYS” and that Portfolio Insider’s “dark flow monitor” shows this stock had 130 times more volume that day than normal. Isaac drew the conclusion for Agent 3 that this meant there was unusual trading occurring with that particular company, and identified the institutional traders photographed above as the persons responsible for the activity.

179. Isaac stated that Portfolio Insider’s “AI has detected...Henry Laufer and Jim Simmons.” When Agent 3 asked, Isaac did clarify and stated that while the AI has detected Laufer and Simmons had invested in the ELYS stock, the information shown on screen was institutional order flow and could not be attributed directly to Laufer and Simmons. Isaac stated that the Dark Flow Monitor

AI detects the seven-day average and compares it to what is happening in real-time.

180. Isaac told Agent 3 that the Portfolio Insider platform has 100% accuracy in identifying order flow. To substantiate this claim, Isaac showed Agent 3 a graphic that Isaac claimed showed all the orders on ELYS stock.

181. Isaac pointed out that the last trade that came in on the ELYS stock was at 3:59 eastern standard time; however, the current time, at the time of this statement was 3:52pm Eastern Standard time, and 2:52 Central time where the declarant was located. The declarant compared the time of the computer to the time on the declarant's watch to determine the real-time was, in fact, 3:52pm Eastern Standard time; therefore, the trade could not possibly have been at 3:59 Eastern Standard time, as that time would be seven minutes in the future.

182. Isaac told Agent 3 that Portfolio Insider has access to the portfolios of all the brokerage firms and the members of the "top tier finance" in North America. Isaac directed Agent 3 to a blue bar of icons on the left of the screen and showed Agent 3 the icon for "Portfolios". Isaac showed Agent 3 all of Morgan Stanley's institutional holdings by clicking "View Details" under Morgan Stanley's name.

183. Isaac went through the same procedure for the "members of the top tiered finance" by clicking on an icon that took Agent 3 to a page titled "Titans"

and showed the images and names for institutional investors such as Bill Gates, Warren Buffett, Jim Simons, Ray Dalio, Carl Ichan, and Kenneth Griffin.

184. Isaac identified the other icons on the blue bar as representing the tabs for bitcoin, mutual funds, ETFs, and insider activity, but stated the easiest way to use the service is to go to the dark flow activity, pick a few companies listed, and purchase their stock.

185. Agent 3 asked Isaac if he could identify the trades on the real-time trading monitor tab. Isaac responded that you could see real-time institutional order flow, but it was anonymous.

186. Isaac later contradicted the earlier statement by stating that Agent 3's dashboard can be customized to follow just the investors and funds he wished to follow. Specifically, Isaac stated he can follow the Titans portfolios and their trades in real-time. Carl Icahn, Warren Buffett and Berkshire Hathaway were specifically discussed as examples of traders that could be followed in real-time. Specifically:

Agent 3: Well, could I customize it just to have like alerts from like Icahn or Buffett, um whenever they get into something? Could I customize it just to follow a few people?

Isaac: Of course, you can, yeah. You'll have access to all their individual portfolios, yes sir. So, when we give you access to your own account, you can use it accordingly. Yep.

Agent 3: Well.

Isaac: Very simple. Plus, with our technicians that we have on sight, they will walk you through the service. They will show you how to use it. Get you comfortable. Make sure you're getting access to the trades. We use a team together to get you on the field. Once you're on the field, this is where the games begin. So, in conjunction with some of the things that you've done in the past as long as you get in on the action and participate in these trades, there's really no question. No question that you'll be making money, but in addition you're going to be having the most fun that you've ever had. That's simply what we do here. We are having a good time. We are having fun making...yeah.

And shortly thereafter:

Agent 3: Well, how about...I got...my last question is on some of these folks that are up there, can I see their portfolios like in real-time?

Isaac: Yeah, of course, you can. Yep.

Agent 3: I can see their daily trades, like can I follow Berkshire Hathaway's trades daily or something?

Isaac: Absolutely. Yeah. Of course, you can. You'll have full access. Yep. All I need to do on my end is just confirm just a few things for you. This is for your login credentials. Username, password just to build your profile. I'm just going to pause my screen here for just a quick second. Just to confirm what I have, and we will get you going here. OK?

187. Isaac refused to answer any further questions or show Agent 3 any more of the platform unless Agent 3 made the purchase.

COMPARISON OF THE VOICE OF SAM SIMON TO SIMON

BATASHVILI

188. The declarant believes Sam Simon is actually Batashvili.

189. Sam Simon was described by Roberts as a V.P. for Portfolio Insider.

190. On September 2, 2021, John Block (“CI Block”), Chief Investigator for the Colorado Department of Regulatory Agencies, Division of Securities contacted me regarding an undercover call Colorado made to Portfolio Insider. CI Block informed me that the Colorado agent spoke to a person identified as Sam Simon.

191. The declarant believes that Sam Simon is actually Batashvili because CI Block sent the declarant a copy of their call and demonstration. The declarant compared the voice of Sam Simon to a known sample of Batashvili from Batashvili’s deposition given November 4, 2020. It is the declarant’s opinion that the voice of Sam Simon matches that of Batashvili.

**INFORMATION FROM NASDAQ AND QUODD FINANCIAL
SERVICES**

192. Representatives from Nasdaq and QUODD Financial Services (“QUODD”) provided declarations that contradicted the claims made by Portfolio Insider representatives.

193. Brandis DeSimone (“DeSimone”), a Lead Sales Executive in the Investment Intelligence Unit at Nasdaq, stated as to Portfolio Insider’s claims of following successful traders in real-time that “[a]ll trade data provided to Nasdaq’s

data clients, including Portfolio Insider, is anonymous as to the identity of the customers of the broker-dealers involved in the trades. Nasdaq does not, and, in fact, cannot, provide its data subscribers with the identities of the underlying customers to trades in exchange equity markets or in alternative trading systems commonly referred to as ‘dark pools.’ Traders cannot unmask trades to identify the customers using the data they get from Nasdaq. Broker-dealers protect their customers’ anonymity and insure that the identities of counterparties to a trade are not revealed.” DeSimone also stated that, “Nasdaq data does not provide any real-time information about the holdings in specific traders’ or mutual funds’ portfolios.”

194. Gary Gorchmal (“Gorchmal”), Vice President of Customer Success at QUODD. Portfolio Insider licensed the Nasdaq Basic subscription, referenced by DeSimone, from QUODD.

195. Gorchmal stated as to Portfolio Insider’s claims of following successful traders in real-time that, “[a]ll trade data licensed from QUODD to data clients, including Portfolio Insider, is anonymous as to the identity of the counterparties involved in the trades. QUODD cannot provide its data subscribers with the identities of counterparties in any type of data, including but not limited to trades on open equity markets or from alternative trading systems commonly referred to as ‘dark pools.’ Traders cannot unmask trades to identify counterparties

to the transaction using the data they license from QUODD.”

196. Grochmal also stated that, “all real-time trading data is anonymous. In fact, QUODD cannot unmask trades to identify the counterparties. The data feeds that Portfolio Insider licenses from QUODD do not disclose the real-time holdings, identities, or portfolios of traders, hedge funds, banks, or individuals.” Grochmal left no doubt that the claims by Portfolio Insider representatives were deceitful when he stated, “It is false to claim that the data feeds licensed by QUODD would allow Portfolio Insider to see a famous trader’s, such as Kenneth Griffin or Warren Buffett, holdings in real-time, updated as they buy and sell.”

REGISTRATION STATUS

197. The Defendants, by and through their sales representatives, held themselves out as investment advisers or investment adviser representatives. However, the Defendants were never registered as investment advisers or investment adviser representatives in the State of Alabama, nor did they perfect an exemption from registration. (Attachment AA)

CONCLUSION

198. As evidenced by undercover calls, GoDaddy records, bank accounts, and the declarations of a former employee, Nasdaq representative, and QUODD representative, both Asher and Batashvili were deeply involved in the creation, operation, planning, sales tactics, hiring and supervision of Portfolio Insider and its

employees.

199. Asher and Batashvili, acting as principals, partners, officers, or directors of Portfolio Insider, or holding a similar status or performing similar functions for Portfolio Insider, led and coordinated the sales representatives and others who worked for Portfolio Insider and directed their actions. Those sales representatives gave investment advice in the form of stock picks and customized recommendations. The sales representatives also misled and deceived potential clients as to what information could be attributed to specific institutional investors that Portfolio Insider considered “Titans”.

200. Asher and Batashvili, through their sales representatives, are misleading potential investors as to what information they purchase from Nasdaq, when they started doing business with Nasdaq, and what is available in real-time for specific institutional investors. These actions are occurring in Alabama.

201. These actions continue at the present time. Agent 1 receives almost daily emails providing information on “missed trades” and webinar opportunities. In fact, Agent 1 received a voicemail from Woodward on September 13, 2021 regarding Portfolio Insider. The website, www.portfolioinsider.com is still active and available to Alabama residents.

202. These actions and activities conducted by Asher and Batashvili are in violation of §§8-6-3(b) and (c) and 8-6-17 (a)(2) and (b)(2), *Code of Alabama*

(1975), as well as the Consent Order.

IV. DECLARATION

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Executed on September 16, 2021, in Montgomery, AL.


Elizabeth Planer

ATTACHMENT A

Shopper ID: 197816793
 Receipt ID: [REDACTED] 6060
 ProgId: GoDaddy
 SiteUrl: http://registrar.godaddy.com
 Date (Local AZ): 7/18/2020 11:11:53 AM
 Source Code: ???

Shipping Information

Simon Batashvili
 8383 wilshire blvd
 Beverly Hills, CA 90211 US
 Daytime Phone: +1. [REDACTED] 8765
 Asher@[REDACTED].com

Billing Information

Lucas Asher
 8383 wilshire blvd
 Beverly Hills, CA 90211 US
 Daytime Phone: +1. [REDACTED] 8765
 Evening Phone: +1. [REDACTED] 8765
 Asher@[REDACTED].com

IP: 98.153.204.146; https://payment.api.godaddy.com/payapi

Transaction Occurred as: United States Dollar (USD)

Payment 1: \$1,616.16

Paid:	Credit Card
Processor:	Little-GD
AVS Code:	Y
Name:	Simon Batashvili
Creditcard Number:	[REDACTED] 8840
Creditcard Information:	MasterCard Exp. 08/2024

Our Charges will appear on their credit card statement in the name "GODADDY.COM"

Row	Label	Name	Unit Price	Today's Price	ICANN Fee	Qty	Extra Disc	Total Price
1	780-1	.COM Premium Domain Name Registration Length: 1 Year(s) Domain: portfolioinsider.com This is a service item.	\$17.99	\$17.99	\$0.18	1	\$0.00	\$18.17
2	779-1	Premium Domain Name Purchase (one-time fee) Length: 1 Domain: This is a service item.	\$1,588.00	\$1,588.00	\$0.00	1	\$0.00	\$1,588.00
3	1307404-1	Full Domain Privacy and Protection Length: 1 Year(s) Domain: portfolioinsider.com This is a service item.	\$9.99	\$9.99	\$0.00	1	\$0.00	\$9.99

Subtotal	Shipping & Handling	Tax	Total
\$1,616.16	\$0.00	\$0.00	\$1,616.16

ATTACHMENT B

Shopper ID: 197816793
Private Label ID: 1
Login Name: Famelab
First Name: Simon
Last Name: Batashvili
Company:
Address1: 8383 wilshire blvd
Address2:
City: Beverly Hills
State/Prov: CA
Postal Code: 90211
Country: US
Phone Work: +1 [REDACTED] 8765
Phone Home:
Mobile:
Fax:
Email: Asher@[REDACTED].com
Date Created: 9/21/2018 11:46:50 AM
Last Changed By Date: 8/15/2020 6:49:43 PM
Fraud: Verified by Fraud Dept - Customer OK
Twitter Handle:

ATTACHMENT C

Domain Name	Status	Created	Expires	Order ID
pmia.org	0 Active	8/24/1995	8/23/2021	1606983916
texasmetals.com	0 Active	7/13/2000	7/13/2021	1590936696
retirementinsider.com	0 Active	4/27/2002	4/27/2021	1371638689
seniorchecks.com	0 Active	2/3/2008	2/3/2022	1425712438
republicfinancial.com	0 Active	8/31/2012	8/31/2020	1390800376
delawarewholesale.com	0 Active	12/27/2012	12/27/2020	1591389455
vanguardbullion.com	239 PendingICANNRequiredVerification	2/27/2018	2/27/2021	1732291726
buygoldinmissouri.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinwisconsin.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinindiana.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldingeorgia.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinnebraska.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinalaska.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldindelaware.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinmississippi.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinnewhampshire.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinsouthcarolina.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinvermont.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinmaine.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinhawaii.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldincolorado.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinoklahoma.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldintexas.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinwyoming.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinmontana.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinnevada.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinflorida.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinnewmexico.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinpennsylvania.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinkansas.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinminnesota.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinmaryland.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinnewyork.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinwestvirginia.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinarizona.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinnorthcarolina.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldintennessee.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinohio.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinutah.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinmassachusetts.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinmichigan.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinwashington.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldiniowa.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinrhodeisland.com	0 Active	10/22/2018	10/22/2020	1386927739

Domain Name	Status	Created	Expires	Order ID
buygoldinsouthdakota.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinarkansas.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinillinois.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinkentucky.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldnidaho.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinoregon.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinnewjersey.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinlouisiana.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinalabama.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinconnecticut.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinvirginia.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldinnorthdakota.com	0 Active	10/22/2018	10/22/2020	1386927739
buygoldincalifornia.com	0 Active	10/22/2018	10/22/2020	1386927739
egonpearson.com	0 Active	11/27/2018	11/27/2020	1405092272
rickardsbars.com	0 Active	12/10/2018	12/10/2020	1411733444
bigfinanceclick.com	0 Active	3/12/2019	3/12/2021	1460312759
jimrickardsbook.com	0 Active	6/18/2019	6/18/2021	1510538838
republicancapital.com	0 Active	12/4/2019	12/4/2021	1597036584
republicanmetals.com	0 Active	12/4/2019	12/4/2021	1597036584
shebadiamond.com	0 Active	12/10/2019	12/10/2021	1599627004
shebadiamonds.com	0 Active	12/10/2019	12/10/2021	1599627004
stuttgartindustrial.com	0 Active	12/16/2019	12/16/2021	1603061058
stockscams.org	0 Active	12/17/2019	12/17/2021	1603573596
portfolioinsider.com	0 Active	12/25/2019	12/25/2021	1719596060
kotelbrands.com	0 Active	12/26/2019	12/26/2021	1607874251
reaganfinancial.com	0 Active	12/26/2019	12/26/2021	1607918894
studentchecks.org	0 Active	1/2/2020	1/2/2022	1611050548
towerterminal.com	0 Active	1/14/2020	1/14/2022	1617469941
tarzannuncencored.com	0 Active	2/3/2020	2/3/2021	1627629514
tarzannuncensored.com	0 Active	2/3/2020	2/3/2021	1628051819
fintechterminal.com	0 Active	2/4/2020	2/4/2021	1628680401
retirementbeauty.com	0 Active	2/14/2020	2/14/2022	1633861489
kotelholdings.com	0 Active	2/14/2020	2/14/2022	1633894471
blackeondas.com	0 Active	2/19/2020	2/19/2021	1636427799
lucasasherestates.com	0 Active	2/20/2020	2/20/2021	1637591311
xn--julietarodrguez-fpb.com	0 Active	3/4/2020	3/4/2021	1644874174
newmontfinancial.com	0 Active	3/7/2020	3/7/2021	1646583376
glencorefinancial.com	0 Active	3/8/2020	3/8/2021	1646615878
newmontadministration.com	0 Active	4/2/2020	4/2/2021	1661024422
texasadministration.com	0 Active	4/2/2020	4/2/2021	1661024422
berrickadministration.com	0 Active	4/2/2020	4/2/2021	1661024422
reaganadministration.com	0 Active	4/2/2020	4/2/2021	1661024422
berkshireadministration.com	0 Active	4/2/2020	4/2/2021	1661595714
lifeadministrative.com	0 Active	4/5/2020	4/5/2021	1661610322

Domain Name	Status	Created	Expires	Order ID
skydivingservice.com	0 Active	4/25/2020	4/25/2021	1674372331
institutioninsider.com	0 Active	5/2/2020	5/2/2022	1678615702
brighthousemetals.com	0 Active	5/20/2020	5/20/2022	1689018543
fidelitybullion.com	0 Active	5/20/2020	5/20/2022	1689019309
fidelityadministration.com	0 Active	5/20/2020	5/20/2022	1689019404
retirementsuperstore.com	0 Active	5/25/2020	5/25/2022	1691762105
lifepreciousmetals.com	0 Active	5/27/2020	5/27/2022	1692852526
usestatetrust.com	0 Active	6/22/2020	6/22/2022	1706972741
conservativesavers.com	0 Active	6/22/2020	6/22/2021	1706972741
kotelindustries.com	0 Active	7/11/2020	7/11/2022	1716405532
glenncorefinancial.com	0 Active	7/17/2020	7/17/2021	1719179487
brookfieldmetals.com	0 Active	7/17/2020	7/17/2021	1719190772
northwesterncap.com	0 Active	7/17/2020	7/17/2021	1719194328
brookfieldcap.com	0 Active	7/23/2020	7/23/2021	1722062927
northwesternfinance.com	0 Active	7/23/2020	7/23/2021	1722147228
berkshiregoldgroup.com	0 Active	8/13/2020	8/13/2022	1731923870
berkshireaccounts.com	0 Active	8/15/2020	8/15/2022	1732893901

9/20/2018 to 8/21/2020

Entered Date / By	Note
12/13/2018 9:07:33 AM / Romine, Chad / Client IP: GoDaddy Internal	Chad Romine accessed account with reason "General/Research". Validation was skipped.
12/13/2018 9:07:00 AM / Auth Platform / Client IP: GoDaddy Internal	Shopper 197816793 was impersonated by Chad Romine, employee romine
12/10/2018 4:52:20 PM / RegHerculesSvc / Client IP: GoDaddy Internal	Setting AutoRenew = 1: .COM Domain Name Registration - 1 Year (recurring) OrderID: 1411733444 RowID: 0 Namespace:domain ResourceID: 282655145
12/10/2018 4:52:19 PM / RegAgentSvc / Client IP: GoDaddy Internal	Domain name rickardsbars.com registered
12/10/2018 4:52:15 PM / Post Purchase Processing / Client IP: GoDaddy Internal	Domain RICKARDSBARS.COM privacy set up. DBP customer number is [REDACTED] 8339.
12/10/2018 4:52:14 PM / pci.eCommClient.prod.intranet.gdg / Client IP: GoDaddy Internal	New preference.marketId: "en-US"
12/8/2018 2:57:02 PM / pci.eCommClient.prod.intranet.gdg / Client IP: GoDaddy Internal	New preference.marketId: "en-US"
12/8/2018 2:52:27 PM / pci.eCommClient.prod.intranet.gdg / Client IP: GoDaddy Internal	New preference.marketId: "en-US"
12/8/2018 2:44:29 PM / api-customer-consent.prod.client.int.godaddy.com / Client IP: 192.168.179.38	preference.allowedCommunicationTypes Old: "[EMAIL_NOTIFICATION,'EMAIL_PROMOTIONAL','PHONE']", New: "[EMAIL_ACCOUNT_SUMMARY,'EMAIL_NOTIFICATION','EMAIL_PROMOTIONAL','PHONE']"
12/6/2018 6:30:57 PM / v_renalyn5809 / Client IP: GoDaddy Internal	hosting: Ultimate Linux Hosting with cPanel (400224391) (6d3ddc55-c1fe-11e8-814a-3417ebe725e0) entered account
12/6/2018 3:08:43 PM / Diaz, Renalyn / Client IP: GoDaddy Internal	Commented on case 34579514: Contact form domain blocked and flagged as spam
12/6/2018 1:52:04 PM / Bryce Elam / Client IP: GoDaddy Internal	Incident 37736920 resolved by Bryce Elam on Thursday, December 6, 2018 1:52:02 PM.
12/6/2018 1:40:01 PM / Diaz, Renalyn / Client IP: GoDaddy Internal	Renalyn Diaz accessed account with reason "General/Research". Account was validated with Shopper PIN.
12/6/2018 1:40:00 PM / Auth Platform / Client IP: GoDaddy Internal	Shopper 197816793 was impersonated by Renalyn Diaz, employee v_renalyn5809
12/6/2018 11:29:23 AM / Diaz, Renalyn / Client IP: GoDaddy Internal	Renalyn Diaz accessed account with reason "General/Research". Account was validated with Shopper PIN.
12/6/2018 11:29:00 AM / Auth Platform / Client IP: GoDaddy Internal	Shopper 197816793 was impersonated by Renalyn Diaz, employee v_renalyn5809
12/5/2018 6:58:05 PM / v_loyd0056 / Client IP: GoDaddy Internal	trustedSite: TrustedSite (400224216) (0a7b0a86-c1fe-11e8-8147-3417ebe72601) entered account
12/5/2018 6:56:32 PM / v_loyd0056 / Client IP: GoDaddy Internal	hosting: Ultimate Linux Hosting with cPanel (400224391) (6d3ddc55-c1fe-11e8-814a-3417ebe725e0) entered account
12/5/2018 6:02:00 PM / jaypee6469 / Client IP: GoDaddy Internal	hosting: Ultimate Linux Hosting with cPanel (400224391) (6d3ddc55-c1fe-11e8-814a-3417ebe725e0) entered account
12/5/2018 12:34:06 PM / Omaga, Loyd / Client IP: GoDaddy Internal	chatted with Simon Batashvili CB# +1. [REDACTED] 8765 ChatID: [REDACTED] 9822 regarding cPanel Hosting Additional Comments: educ ex about smtp for contact form adv no option to use other smtp retirementinsider.com
12/5/2018 11:57:00 AM / Manager: Loyd Omaga / Client IP: GoDaddy Internal	CRM user 26454 - Loyd Omaga has entered DCC5 accessing shopper 197816793.

ATTACHMENT D

Shopper ID: 197816793
Receipt ID: 1371638689
ProgId: GoDaddy
SiteUrl: http://registrar.godaddy.com
Date (Local AZ): 9/21/2018 11:50:09 AM
Source Code: ???

Shipping Information

Asher@Famelab.com

Billing Information

Simon Batashvili
8383 wilshire blvd suite 412
Beverly Hills, CA 90211 US
Daytime Phone: +1. [REDACTED] 8765
Asher@Famelab.com

IP: 216.240.54.236:https://payment.api.godaddy.com/payapi

Transaction Occurred as: United States Dollar (USD)

Payment 1: \$1,482.16

Paid: Credit Card
Processor: AMEXDirect-GD
AVS Code: M
Name: Simon Batashvili
Creditcard Number: [REDACTED] 49022
Creditcard Information: AMEX Exp. 03/2023

Our Charges will appear on their credit card statement in the name "GODADDY.COM"

Row	Label	Name	Unit Price	Today's Price	ICANN Fee	Qty	Extra Disc.	Total Price
1	780-1	.COM Premium Domain Name Registration Length: 1 Year(s) Domain: retirementinsider.com This is a service item.	\$14.99	\$14.99	\$0.18	1	\$0.00	\$15.17
2	779-1	Premium Domain Name Purchase (one-time fee) Length: 1 Domain: This is a service item.	\$1,459.00	\$1,459.00	\$0.00	1	\$0.00	\$1,459.00
3	7002-1	Private Transfer Services Length: 1 Year(s) Domain: retirementinsider.com This is a service item.	\$9.99	\$7.99	\$0.00	1	\$0.00	\$7.99
Subtotal		Shipping & Handling	Tax			Total		
\$1,482.16		\$0.00	\$0.00			\$1,482.16		

ATTACHMENT E

Shopper ID: 197816793
Receipt ID: 1638626886
ProgId: GoDaddy
SiteUrl: http://registrar.godaddy.com
Date (Local AZ): 2/22/2020 5:27:06 PM
Source Code: ???

Shipping Information

Simon Batashvili
8383 wilshire blvd
Beverly Hills, CA 90211 US
Daytime Phone: +1. [REDACTED] 8765
Asher@Famelab.com

Billing Information

Simon Batashvili
8383 wilshire blvd
Beverly Hills, CA 90211 US
Daytime Phone: +1. [REDACTED] 8765
Asher@Famelab.com

IP: 76.91.5.229::https://payment.api.godaddy.com/payapi

Transaction Occurred as: United States Dollar (USD)

Payment 1: \$2.27

Paid: Credit Card
Processor: AMEXDirect-GD
AVS Code: M
Name: Simon Batashvili
Creditcard Number: [REDACTED] 41029
Creditcard Information: AMEX Exp. 10/2023

Our Charges will appear on their credit card statement in the name "GODADDY.COM"

Row	Label	Name	Unit Price	Today's Price	ICANN Fee	Qty	Extra Disc.	Total Price
1	125701-1	Ultimate Domain Protection and Security Upgrade Length: 1 Year(s) Domain: retirementinsider.com This is a service item.	\$17.99	\$12.99	\$0.00	1	\$0.00	\$2.27
2		Private Registration Services Length: 1 Year(s) Domain:			\$0.00	1		
3		Domain Ownership Protection Length: 1 Year(s) Domain:			\$0.00	1		

Subtotal	Shipping & Handling	Tax	Total
\$2.27	\$0.00	\$0.00	\$2.27

ATTACHMENT F

Shopper ID: 197816793
Receipt ID: 1676068335
ProgId: GoDaddy
SiteUrl: http://registrar.godaddy.com
Date (Local AZ): 4/28/2020 7:46:54 AM
Source Code: ROHB from_app: wsc_dr

Shipping Information

Simon Batashvili
8383 wilshire blvd
Beverly Hills, CA 90211 US
Daytime Phone: +1 [REDACTED] 8765
Asher@Famelab.com

Billing Information

Simon Batashvili
8383 wilshire blvd
Beverly Hills, CA 90211 US
Daytime Phone: +1 [REDACTED] 8765
Asher@Famelab.com

Transaction Occurred as: United States Dollar (USD)

Payment 1: \$46.15

Paid: Credit Card
Processor: Little-GD
AVS Code: N
Name: Simon Batashvili
Creditcard Number: [REDACTED] 8813
Creditcard Information: Visa Exp. 11/2024

Our Charges will appear on their credit card statement in the name "GODADDY.COM"

Row	Label	Name	Unit Price	Today's Price	ICANN Fee	Qty	Extra Disc.	Total Price
1	10101-I	.COM Domain Name Renewal - 1 Year (recurring) Length: 1 Year(s) Domain: retirementinsider.com	\$17.99	\$17.99	\$0.18	1	\$0.00	\$18.17
2	125700-I	Ultimate Domain Protection and Security Renewal Length: 1 Year(s) Domain: retirementinsider.com	\$27.98	\$27.98	\$0.00	1	\$0.00	\$27.98
3		Domain Ownership Protection - Renewal Length: 1 Year(s) Domain: retirementinsider.com			\$0.00	1		
Subtotal		Shipping & Handling			Tax		Total	
\$46.15		\$0.00			\$0.00		\$46.15	

ATTACHMENT G

Shopper ID: 197816793
Receipt ID: 1413273727
ProgId: GoDaddy
SiteUrl: http://registrar.godaddy.com
Date (Local AZ): 12/13/2018 8:01:07 PM
Source Code: GPPTCUST

Shipping Information

Simon Batashvili
8383 Wilshire Blvd Suite 700
Beverly Hills, CA 90211 US
Daytime Phone: +1. [REDACTED] 8765
Asher@Famelab.com

Billing Information

Simon Batashvili
8383 wilshire blvd suite 412
Beverly Hills, CA 90211 US
Daytime Phone: +1. [REDACTED] 8765
Asher@Famelab.com

IP: 76.81.143.154::https://payment.api.godaddy.com/payapi

Transaction Occurred as: United States Dollar (USD)

Payment 1: \$69.99

Paid: Credit Card
Processor: AMEXDirect-GD
AVS Code: M
Name: Simon Batashvili
Creditcard Number: [REDACTED] 41029
Creditcard Information: AMEX Exp. 10/2023

Our Charges will appear on their credit card statement in the name "GODADDY.COM"

Row	Label	Name	Unit Price	Today's Price	ICANN Fee	Qty	Extra Disc	Total Price
1	850-1	Domain Buy Service Length: 1 Domain: towertrade.com This is a service item.	\$69.99	\$69.99	\$0.00	1	\$0.00	\$69.99
Subtotal		Shipping & Handling			Tax		Total	
\$69.99		\$0.00			\$0.00		\$69.99	

ATTACHMENT H

Shopper ID: 134981181
Receipt ID: 1504515907
ProgId: GoDaddy
SiteUrl: http://registrar.godaddy.com
Date (Local AZ): 6/6/2019 12:57:40 PM
Source Code: GPPTCOM

Shipping Information

L A
2950 31st street
Santa Monica, CA 90405 us
Daytime Phone: +1 [REDACTED] 8765
asher@famelab.com

Billing Information

L A
2950 31st street
Santa Monica, CA 90405 us
Daytime Phone: +1 [REDACTED] 8765
asher@famelab.com

IP: 76.81.143.154;https://payment.api.godaddy.com/payapi

Transaction Occurred as: United States Dollar (USD)

Payment 1: \$69.99

Paid: Credit Card
Processor: AMEXDirect-GD
AVS Code: L
Name: Lucas Asher
Creditcard Number: [REDACTED] 41029
Creditcard Information: AMEX Exp. 4/2022

Our Charges will appear on their credit card statement in the name "GODADDY.COM"

Row	Label	Name	Unit Price	Today's Price	ICANN Fee	Qty	Extra Disc.	Total Price
1	850-1	Domain Broker Service Length: 1 Domain: towertrade.com This is a service item.	\$69.99	\$69.99	\$0.00	1	\$0.00	\$69.99
Subtotal		Shipping & Handling			Tax		Total	
\$69.99		\$0.00			\$0.00		\$69.99	

ATTACHMENT I

Shopper ID: 31291669
 Receipt ID: 1558561037
 ProgId: GoDaddy
 SiteUrl: http://registrar.godaddy.com
 Date (Local AZ): 9/20/2019 2:53:11 PM
 Source Code: ???

Shipping Information

Lucas Asher
 Prometheus Laboratories Corp
 8383 wilshire blvd
 beverly hills, CA 90211 US
 Daytime Phone: +1.3108666213
 asher@famelab.com

Billing Information

Lucas Asher
 Prometheus Laboratories Corp
 8383 wilshire blvd
 beverly hills, CA 90211 US
 Daytime Phone: +1.3108666213
 asher@famelab.com

IP: 98.153.204.146::https://payment.api.godaddy.com/payapi

Transaction Occurred as: United States Dollar (USD)

Payment 1: \$326.91

Paid:	paypal
Processor:	PayPal-GD
Account:	B-951883994N014754M

Our Charges will appear on their credit card statement in the name "GODADDY.COM"

Row	Label	Name	Unit Price	Today's Price	ICANN Fee	Qty	Extra Disc.	Total Price
1	70371-1	.COM Bulk Domain Name Renewal (6-20) - 4 years (recurring) Length: 4 Year(s) Domain: towertrade.com This is a service item.	\$71.96	\$71.96	\$0.72	1	\$0.00	\$72.68
2	7001-1	Private Registration Services Length: 1 Year(s) Domain: towertrade.com This is a service item.	\$9.99	\$9.99	\$0.00	1	\$0.00	\$39.81
3	70371-1	.COM Bulk Domain Name Renewal (6-20) - 4 years (recurring) Length: 4 Year(s) Domain: unfits.com This is a service item.	\$71.96	\$71.96	\$0.72	1	\$0.00	\$72.68
4	17001-1	Private Registration Services - Renewal Length: 1 Year(s) Domain: unfits.com This is a service item.	\$9.99	\$9.99	\$0.00	1	\$0.00	\$39.96

Row	Label	Name	Unit Price	Today's Price	ICANN Fee	Qty	Extra Disc.	Total Price
5	70041-1	.COM Bulk Domain Name Renewal (6-20) - 2 years (recurring) Length: 2 Year(s) Domain: ecoeons.com This is a service item.	\$35.98	\$35.98	\$0.36	1	\$0.00	\$36.34
6	70371-1	.COM Bulk Domain Name Renewal (6-20) - 4 years (recurring) Length: 4 Year(s) Domain: paylessrent.com This is a service item.	\$71.96	\$71.96	\$0.72	1	\$0.00	\$72.68
7	17001-1	Private Registration Services - Renewal Length: 1 Year(s) Domain: paylessrent.com This is a service item.	\$9.99	\$9.99	\$0.00	1	\$0.00	\$39.96
8	968-1	.COM Bulk Domain Name Renewal (6-20) (recurring) Length: 1 Year(s) Domain: soldierchecks.com This is a service item.	\$17.99	\$17.99	\$0.18	1	\$0.00	\$18.17
9	17001-1	Private Registration Services - Renewal Length: 1 Year(s) Domain: soldierchecks.com This is a service item.	\$9.99	\$9.99	\$0.00	1	\$0.00	\$9.99
10	70571-1	.ORG Bulk Domain Name Renewal (6-20) - 4 years (recurring) Length: 4 Year(s) Domain: soldierchecks.org This is a service item.	\$83.96	\$83.96	\$0.72	1	\$0.00	\$84.68
11	17001-1	Private Registration Services - Renewal Length: 1 Year(s) Domain: soldierchecks.org This is a service item.	\$9.99	\$9.99	\$0.00	1	\$0.00	\$39.96
Subtotal		Shipping & Handling	Tax			Total		
\$526.91		\$0.00	\$0.00			\$526.91		

ATTACHMENT J

Shopper ID: 31291669
Private Label ID: 1
Login Name: lucasasher
First Name: Lucas
Last Name: Asher
Company: Prometheus Laboratories Corp
Address1: 8383 wilshire blvd
Address2:
City: beverly hills
State/Prov: CA
Postal Code: 90211
Country: US
Phone Work: +1.██████████ 6213
Phone Home:
Mobile:
Fax:
Email: asher@famelab.com
Date Created: 10/10/2009 10:13:14 PM
Last Changed By Date: 6/19/2020 5:06:57 PM
Fraud: Verified by Fraud Dept - Customer OK
Twitter Handle:

ATTACHMENT K

Domain Name	Status	Created	Expires	Order ID
unfit.com	0 Active	3/3/1997	3/4/2022	1279613305
rhc.org	0 Active	5/18/2000	5/18/2022	1380158509
paylessrent.com	0 Active	3/21/2002	3/21/2025	971925105
slimshot.com	0 Active	10/16/2002	10/16/2021	916581642
BESTNEW.COM	0 Active	1/25/2003	1/25/2021	503084562
unfits.com	0 Active	4/19/2004	4/19/2024	1517828177
bronzebeauties.com	0 Active	4/28/2004	4/28/2023	1669372449
towertrade.com	0 Active	12/7/2008	9/15/2023	1533035313
FAULKNERBAND.COM	0 Active	5/24/2009	5/24/2021	417661678
THELASTBLACKKNIGHT.COM	8 Cancelled	10/11/2009	10/11/2011	197037612
LUCASASHER.COM	0 Active	10/11/2009	10/11/2021	197037612
JOHANTANDERSON.COM	8 Cancelled	10/16/2009	10/16/2010	198210493
BLACKKNIGHTARTISTS.COM	8 Cancelled	2/16/2010	2/16/2012	222676893
EMPYREALENGINEERING.COM	8 Cancelled	2/16/2010	2/16/2012	222676893
BLACKKNIGHTHOLDINGS.COM	8 Cancelled	2/16/2010	2/16/2012	222676893
PROMUSICSUPERVISOR.COM	8 Cancelled	8/13/2010	8/13/2011	261847101
ECOEONS.COM	0 Active	1/29/2011	1/29/2023	301479184
THESTREETINVASION.COM	8 Cancelled	3/6/2011	3/6/2014	310511313
FACETHEMUSICEXPERIENCE.COM	8 Cancelled	3/29/2011	3/29/2012	316634717
FACETHEMUSICEXHIBIT.ORG	8 Cancelled	5/13/2011	5/13/2020	417915141
CONTRACARTEL.COM	8 Cancelled	5/26/2011	5/26/2016	417662032
STREETINVASION.COM	0 Active	7/31/2011	7/31/2021	417915497
CLUSTLER.COM	8 Cancelled	4/30/2012	4/30/2013	422494536
TRAILDOM.COM	8 Cancelled	6/2/2012	6/2/2016	429903444
PRIVATURE.COM	0 Active	8/19/2012	8/19/2022	455056174
JEFFDEANE.COM	8 Cancelled	11/15/2012	11/15/2015	482209484
PICTAFRIEND.COM	8 Cancelled	12/26/2012	12/26/2016	494987835
INSTRIBUTION.COM	8 Cancelled	12/26/2012	12/26/2016	495266264
FAULKNERMUSIC.COM	36 Ownership Changed	12/31/2012	12/31/2018	495269705
THEVATORS.COM	8 Cancelled	1/20/2013	1/20/2017	503479181
RAVENSHADES.COM	8 Cancelled	4/12/2013	4/12/2014	535799097
ASHERHOLDINGS.COM	8 Cancelled	4/23/2013	4/23/2014	539893722
BURNYOURBOOKS.COM	8 Cancelled	5/5/2013	5/5/2014	544074439
COLLEGEBOOKSCAM.COM	8 Cancelled	5/5/2013	5/5/2014	544447136
BOOKSCAM.ORG	8 Cancelled	5/5/2013	5/5/2014	544447496
AMERICANEUR.COM	8 Cancelled	5/7/2013	5/7/2014	545186208
HIPSTATIC.COM	0 Active	9/2/2013	9/2/2021	590324422
GEOEONS.COM	0 Active	10/8/2013	10/8/2021	604469333
ROBOEONS.COM	0 Active	10/8/2013	10/8/2021	604469333
AUTOEONS.COM	0 Active	10/8/2013	10/8/2021	604469333
EONSINC.COM	0 Active	10/8/2013	10/8/2021	604469333
STREETAXIOMS.COM	0 Active	10/30/2013	10/30/2021	612928862
INSTABUTE.COM	8 Cancelled	11/30/2013	11/30/2015	624580993
INSTIBUTION.COM	8 Cancelled	12/9/2013	12/9/2015	628432221

Domain Name	Status	Created	Expires	Order ID
CONFRIENDENTIAL.COM	8 Cancelled	12/25/2013	12/25/2014	634486154
SECRETORIES.COM	8 Cancelled	12/28/2013	12/28/2014	635816916
ANONAMATIC.COM	8 Cancelled	12/29/2013	12/29/2014	635826518
FAULKNEROFFICIAL.COM	0 Active	1/30/2014	1/30/2021	648932201
PROMETHEUSOFFICIAL.COM	8 Cancelled	5/24/2014	5/24/2017	693248677
tritoncreativegroup.com	220 DNSInfo - Inactive	5/28/2014	n/a	
LEAFY.NINJA	8 Cancelled	6/3/2014	6/3/2015	696650964
FAULKNER.CLUB	0 Active	6/11/2014	6/10/2021	699364125
SELFIESSWEEPSTAKE.COM	8 Cancelled	6/15/2014	6/15/2015	700620876
INSTALOUD.COM	0 Active	8/15/2014	8/15/2021	723887857
DISRUPTAUDIO.COM	0 Active	9/8/2014	9/8/2021	732990792
LUCASASHER.NYC	8 Cancelled	10/15/2014	10/14/2016	747072847
IAMAREVOLUTIONARY.ORG	0 Active	10/29/2014	10/29/2020	752678927
PRISCILAGOMEZ.COM	0 Active	11/9/2014	11/9/2021	756774667
ROCKNROLLMAKEUP.COM	8 Cancelled	12/27/2014	12/27/2015	765495123
ROCKNROLLNAILS.COM	8 Cancelled	12/27/2014	12/27/2015	774475956
ROCKNROLLGAL.COM	8 Cancelled	12/29/2014	12/29/2015	775291219
FAULKNER.BAND	8 Cancelled	1/28/2015	1/28/2020	786968997
SANTIGOLD.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
CSNY.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
NEILYOUNG.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
KIDROCK.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
BOBDYLAN.BAND	0 Active	2/27/2015	2/27/2021	799004720
EMINEM.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
MATCHBOXTWENTY.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
DRDRE.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
1975.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
EDSHEREAN.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
THE1975.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
GENESIS.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
STING.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
BLACKKEYEDPEAS.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
SLAYER.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
MGMT.BAND	8 Cancelled	2/27/2015	2/27/2016	799004720
MORRISSEY.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747
KANYEWEST.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747
FRANZFERDINAND.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747
THESTROKES.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747
DEPECHEMODE.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747
BJORK.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747
LORDE.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747
THEMARSVOLTA.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747
GORILLAZ.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747
SPOTIFY.BAND	0 Active	2/27/2015	2/27/2021	799012747

Domain Name	Status	Created	Expires	Order ID	
INXS.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
PIXIES.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
BEASTIEBOYS.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
JULIANCASABLANCAS.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
PORTISHEAD.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
BLACKKEYS.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
JANESADDICTION.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
OUTKAST.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
MACKLEMORE.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
PAULMCCARTNEY.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
THEWHITESTRIPES.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
OFFSPRING.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
FRANKSINATRA.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
VANCEJOY.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
ROGERWATERS.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
NEWORDER.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
JACKJOHNSON.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
TIESTO.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
THEKILLERS.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
THEROOTS.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
WEEZER.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
PANTERA.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
BLUR.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
ELVISCOSTELLO.BAND	8 Cancelled	2/27/2015	2/27/2016	799012747	
LOUREED.BAND	8 Cancelled	2/27/2015	2/27/2016	799017323	
CHUCKBERRY.BAND	8 Cancelled	2/27/2015	2/27/2016	799040524	
RAYCHARLES.BAND	8 Cancelled	2/27/2015	2/27/2016	799040524	
JOHNNYCASH.BAND	8 Cancelled	2/27/2015	2/27/2016	799040524	
JOHNLENNON.BAND	0 Active	2/27/2015	2/27/2021	799040524	
MARVINGAYE.BAND	8 Cancelled	2/27/2015	2/27/2016	799040524	
THECLASH.BAND	8 Cancelled	2/27/2015	2/27/2016	799040524	
ELTONJOHN.BAND	8 Cancelled	2/27/2015	2/27/2016	799040524	
JANISJOPLIN.BAND	8 Cancelled	2/27/2015	2/27/2016	799040524	
GRATEFULDEAD.BAND	8 Cancelled	2/27/2015	2/27/2016	799040524	
CREAM.BAND	8 Cancelled	2/27/2015	2/27/2016	799040524	
STEVIEWONDER.BAND	8 Cancelled	2/27/2015	2/27/2016	799040524	
EONSBRAND.COM	8 Cancelled		4/19/2015	4/19/2017	819435829
DIRECTORPROMETHEUS.COM	8 Cancelled		5/22/2015	5/22/2017	832811711
streetinvasion.org	149 Deleted - Redeemable		6/27/2015	6/27/2020	846597627
revoplayer.com	36 Ownership Changed		7/11/2015	7/11/2016	849023726
DIMITRIFAROUGIAS.COM	0 Active		8/2/2015	8/2/2021	852953928
axiomchronicles.com	0 Active		10/18/2015	10/18/2021	890585534
tracylsmith.com	8 Cancelled		12/29/2015	12/29/2019	918386080
jv.agency	8 Cancelled		2/29/2016	2/28/2020	944332896

Domain Name	Status	Created	Expires	Order ID
revo.fm	36 Ownership Changed	3/17/2016	3/17/2017	951217296
revo.live	36 Ownership Changed	3/20/2016	3/20/2017	952800098
eons.tech	8 Cancelled	4/9/2016	4/9/2020	961071022
jessicasorgini.com	0 Active	5/8/2016	5/8/2021	971925879
engagemybrand.com	0 Active	7/2/2016	7/2/2021	996075482
famelab.co	0 Active	7/3/2016	7/2/2021	996075137
famehit.com	0 Active	7/24/2016	7/24/2021	1005268446
famesquad.com	0 Active	7/24/2016	7/24/2021	1005271194
tower.co	0 Active	12/26/2016	12/25/2021	1254806341
anonamatic.com	220 DNSInfo - Inactive	1/10/2017	n/a	
contracartel.com	220 DNSInfo - Inactive	1/10/2017	n/a	
oxfordgold.com	0 Active	6/29/2018	6/29/2021	1331386647
theunfits.com	77 Expired domain hold	7/16/2018	7/16/2020	1518351625
evanschoenbrun.com	0 Active	7/18/2018	7/18/2022	1340245551
best-newhosting.com	219 DNSInfo - Active	1/20/2019	n/a	
soldierchecks.com	0 Active	3/24/2019	3/24/2022	1466601729
soldierchecks.net	0 Active	3/24/2019	3/24/2021	1466601729
seniorchecks.org	0 Active	3/24/2019	3/24/2021	1466601729
soldierchecks.org	0 Active	3/24/2019	3/24/2025	1466601729
soldierchecks.info	0 Active	3/24/2019	3/24/2021	1466601729
makewallstreetfree.com	149 Deleted - Redeemable	7/10/2019	7/10/2020	1521749905
barrickmetals.com	0 Active	7/10/2019	7/10/2021	1521789697
saframetals.com	0 Active	7/26/2019	7/26/2021	1530086722
barrickcapital.com	0 Active	10/23/2019	10/23/2021	1572058750
rhchealth.com	0 Active	10/23/2019	10/23/2021	1575660692

ATTACHMENT L

DUPLICATE COPY**Business Platinum Card®**

CHASE METALS

FAINCHE J MACCARTHY

Closing Date 10/16/18 Next Closing Date 11/15/18

OPENSM

p. 1/67

Account Ending 0-41003

New Balance**\$74,186.23****Please Pay By****10/31/18[‡]**

[‡] Payment is due upon receipt. We suggest you pay by the Please Pay By date. You may have to pay a late fee if your payment is not received by the Next Closing Date.

Membership Rewards® Points

Available and Pending as of 09/30/18

4,984,581For up to date point balance and full program details, visit membershiprewards.com**Account Summary****Pay In Full Portion**

Previous Balance	\$8,270.87
Payments/Credits	-\$373,977.25
New Charges	+\$439,892.61
Fees	+\$0.00
New Balance	= \$74,186.23

Pay Over Time Portion

Previous Balance	\$0.00
Payments/Credits	-\$491,063.20
New Charges	+\$491,063.20
Fees	+\$0.00
Interest Charged	+\$0.00
New Balance	= \$0.00
Minimum Due	\$0.00

Account Total

Previous Balance	\$8,270.87
Payments/Credits	-\$865,040.45
New Charges	+\$930,955.81
Fees	+\$0.00
Interest Charged	+\$0.00

New Balance	\$74,186.23
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Days in Billing Period: 32

Customer Care
 **Pay by Computer**
open.com/pbc
Customer Care 1-800-492-8468 **Pay by Phone** 1-800-472-9297

 See page 2 for additional information.

 See page 2 for important information about your account.

i **Effective immediately**, we are updating the Cardmember Agreement to include more detailed information about the Pay Over Time option. The Pay Over Time option is available to eligible Card members who are invited to enroll. These updates provide additional clarity, and do not change the way the Pay Over Time option works.

 See page 63 for a Notice Of Change To The Membership Rewards Program Terms & Conditions.

i **Important Information:** To access the most up to date version of your Cardmember Agreement, please log in to your Account at www.americanexpress.com.

 Learn how to take advantage of your Pay Over Time feature on page 62

i Please note, your preset line is \$100,000.00. You have spent \$74,186.23.

↓ Please fold on the perforation below, detach and return with your payment ↓

 **Payment Coupon**
 Do not staple or use paper clips

 **Pay by Computer**
open.com/pbc
 **Pay by Phone**
 1-800-472-9297
Account Ending 0-41003Enter 15 digit account # on all payments.
Make check payable to American Express.
 FAINCHE J MACCARTHY
 CHASE METALS
 8383 WILSHIRE BLVD
 STE 700
 BEVERLY HILLS CA 90211-2407
Please Pay By
10/31/18Amount Due
\$74,186.23
 Check here if your address or phone number has changed. Note changes on reverse side.

 AMERICAN EXPRESS
 BOX 0001
 LOS ANGELES CA 90096-8000

0000349992444475428 007418623007418623 12 H

AMEX002914

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